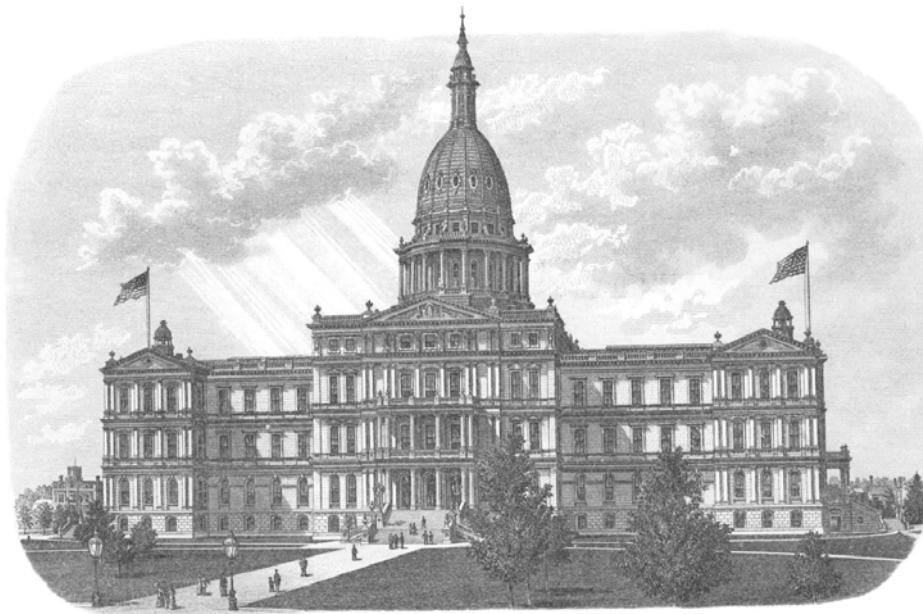


Michigan Register

Issue No. 2– 2004 (Published February 15, 2004)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

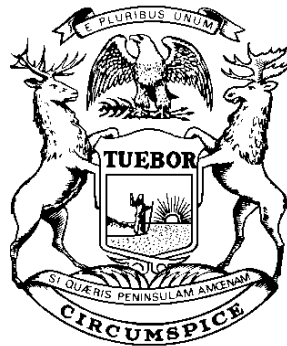
East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 2 — 2004

(This issue, published February 15, 2004, contains
documents filed from January 15, 2004 to February 1, 2004)

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Office of Regulatory Reform

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Brian D. Devlin, Director, Office of Regulatory Reform; **Deidre O'Berry**, Administrative Assistant for Operations; **James D. Lance**, Administrative Assistant for Publications.

Jennifer M. Granholm, Governor



John D. Cherry Jr., Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Department of Management and Budget, 1st Floor Ottawa Building, 611 West Ottawa, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.michigan.gov/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2004 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2004	February 1, 2004
2	February 1, 2004	February 15, 2004
3	February 15, 2004	March 1, 2004
4	March 1, 2004	March 15, 2004
5	March 15, 2004	April 1, 2004
6	April 1, 2004	April 15, 2004
7	April 15, 2004	May 1, 2004
8	May 1, 2004	May 15, 2004
9	May 15, 2004	June 1, 2004
10	June 1, 2004	June 15, 2004
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19	October 15, 2004	November 1, 2004
20	November 1, 2004	November 15, 2004
21	November 15, 2004	December 1, 2004
22	December 1, 2004	December 15, 2004
23	December 15, 2004	January 1, 2005
24	January 1, 2005	January 15, 2005

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**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2003--027

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTORS OFFICE

COSMETOLOGY

Filed with the Secretary of State

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of consumer and industry services by sections 308 and 721 of 1980 PA 299, MCL 339.308 and 339.721, and Executive Reorganization Order No.1996-2, MCL 445.2001, and Order No. 2003-0018, MCL 445.2011)

R 338.2101, R 338.2139, R 338.2141, R 338.2151, R 338.2163a, R 338.2163c, R 338.2179e, and R 338.2179g of the Michigan Administrative Code are amended, and R 338.2161a, R 338.2161b, and R 338.2162a are added to the Code.

R 338.2101 Definitions.

Rule 1. As used in these rules:

- (a) "act" means ~~1980 PA 299, Act No. 299 of the Public Acts of 1980, as amended, being MCL339.101. et seq. of the Michigan Compiled Laws.~~
- (b) "Apprenticeship practitioner" means a licensee who is approved by the department and who is engaged in training an apprentice within an establishment.
- (c) "Dry sanitizer" means a closed cabinet or container that holds a fumigant chemical sanitizing agent.
- (d) "Establishment" means a facility, other than a school, where cosmetology or electrology services are rendered to the public.
- (e) "Junior student or apprentice" means a person who has not qualified to work on the general public.
- (f) "Minimum practical application" means a service performed on a mannequin, student, or patron.
- (g) "Reactive chemicals" means, but is not limited to, any of the following:
 - (i) Permanent wave solutions.
 - (ii) Relaxers.
 - (iii) Temporary, semipermanent, or permanent hair colorings.
 - (iv) Hair lighteners.
 - (v) Acids.
 - (vi) Bases.
 - (vii) Creams.
 - (viii) Fluids.
 - (ix) Any other preparation designed to modify or rearrange the structure of the hair, skin, or nails.
- (h) "School" means a school of cosmetology as defined in section 1201(p) of the act.
- (i) "Senior student or apprentice" means a person who has qualified to work on the general public.
- (j) "Specialist demonstrator" means a person imparting specialized knowledge to students under the supervision of a licensed instructor within a school of cosmetology or electrology.
- (k) "Wet sanitizer" means a container that holds a liquid chemical sanitizing agent.

(l) Terms defined in articles 1 to 6 and 12 of the act have the same meanings when used in these rules, except that "Department" means the department of labor and economic growth.

R 338.2139 Board examination.

Rule 39. (1) To be eligible to take the state board examination, a student or apprentice shall satisfactorily complete the course of study and shall pass a final examination on each subject with a score of not less than 75%.

(2) A school or apprenticeship practitioner shall provide certification, to the department or its designees, that the student or apprentice has completed all requirements before the student or apprentice applies for the state board examination.

(3) An applicant for a cosmetology, electrology, limited, or specialty instructor license may be granted a partial waiver of the instructor examination if the applicant currently possesses a different cosmetology, electrology, limited, or specialty instructor license. The applicant shall complete the practical portion of the instructor examination in the area of the new instructor license for which he or she applies.

(4) A passing score on an examination, or on a portion of an examination if the examination is given in separate parts, shall be valid for 1 year from the date the examination or portion of the examination was passed, except as provided in subrule (3) of this rule.

R 338.2141 Student supervision.

Rule 41. (1) A student shall be supervised by a licensed instructor for all credited time and services.

(2) At least 1 instructor shall be present in the junior student work area and at least 1 instructor shall be present in the senior student area to supervise all practical student work.

(3) Limited specialist instructors shall not supervise the training of students in any curriculum other than the instructor's specialty.

R 338.2151 Application for apprenticeship.

Rule 51. (1) A licensee who has had not less than 3 years of experience as a licensed cosmetologist, electrologist, natural hair culturist, esthetician, or manicurist may submit an application to the department to train an apprentice.

(2) The application shall include the following information:

(a) A floor plan of the establishment.

(b) A list of equipment to be used in training the apprentice.

(c) A list of the books that will be used to teach theory.

~~(d) A corporate surety or cash bond in the amount of \$1,000.00. The surety bond shall be conditioned upon the faithful performance and satisfaction of the contractual rights of apprentices and is subject to department approval.~~

~~(e)~~ (d) A copy of the licensee=s contract with the apprentice showing the curriculum to be taught and the minimum number of hours per month that the apprentice must attend. The contract shall include written agreements to do all of the following:

(i) Personally train the apprentice.

(ii) Give and correct examinations.

(iii) Render a grade in each subject of the curriculum.

(iv) Submit the apprentice=s hours to the department monthly.

(3) An apprentice shall not practice on the public before meeting the requirements of section 1205(5)(c) of the act. An apprentice practicing outside an approved apprenticeship establishment may be ineligible to take the state board examination.

- (4) An apprentice shall be in training throughout the period of the program and shall have received an average of not less than 80 hours of instruction per month.
- (5) An apprentice's registration permit shall be conspicuously displayed in the establishment.
- (6) The apprenticeship practitioner shall provide certification to the department or the department's designee that the apprentice has completed all requirements before applying for the state board examination.

PART 6. CURRICULUM

R 338.2161a Crossover hours; manicuring.

Rule 61a. A student, before enrolling in a cosmetology curriculum in a licensed school of cosmetology, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in manicuring in a licensed school of cosmetology within the previous 3 years. A student, before enrolling in a cosmetology apprenticeship program, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in manicuring within the previous 3 years.

R338.2161b Crossover hours; esthetics.

Rule 61b. A student, before enrolling in a cosmetology curriculum in a licensed school of cosmetology, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in esthetics in a licensed school of cosmetology within the previous 3 years. A student, before enrolling in a cosmetology apprenticeship program, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in esthetics within the previous 3 years.

R 338.2162a Crossover hours.

Rule 62a. A student, before enrolling in a manicuring curriculum in a licensed school of cosmetology, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in cosmetology at a licensed school of cosmetology within the previous 3 years. A student, before enrolling in a manicuring apprenticeship program, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in cosmetology within the previous 3 years.

R 338.2163a Esthetics curriculum.

Rule 63a. **(1)** A school or apprenticeship practitioner shall provide instruction in skin care service pursuant to the following table:

TABLE 4

Subject	Theor y Hours	Practic al Hours	Unassig ned Hours	Total Hours	Minimum Practical Applications
Sanitation/patron protection					90

Laws and rules Personal hygiene Salon management	25	25	0	50	(sanitation and patron protection shall be included in all services)
Mechanical and electrical equipment safety	25	25	0	50	15
Anatomy and disorders	40	0	0	40	0
Artistic principles/makeup	20	20	0	40	0
Facial/skin care techniques	20	125	0	145	50
Chemistry/occupational safety and health administration	15	0	0	15	0
Temporary removal of hair	5	5	0	10	5
Unassigned hours	0	0	50	50	0
Totals	150	200	50	400	160

(2) A student, before enrolling in an esthetics curriculum in a licensed school of cosmetology, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in cosmetology at a licensed school of cosmetology within the previous 3 years. A student before enrolling in an esthetics apprenticeship program, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in cosmetology within the previous 3 years.

338.2163c. Cosmetology instructor curriculum.

Rule 63c. (1) In training a cosmetology instructor, a school shall give instruction pursuant to the following table:

TABLE 6

Subject	Theory Hours	Practical Hours	Total hours	Minimum practical applications
Orientation and review of the cosmetology curriculum	25	50	75	20
Introduction to teaching	30	0	30	0
Course outlining and development Lesson planning Teaching techniques	80	85	165	20 (a minimum of 5 services in each category)

Teaching aids Developing, administering, and grading examinations				category)
Laws and rules Record keeping School administration	15	10	25	70
Teaching Assisting in the clinic and theory classrooms Practice teaching in the clinic and theory classrooms	0 0	75 130	75 130	15 25
Totals	150	350	500	150

(2) A student, before enrolling in a cosmetology instructor curriculum, may be granted a maximum of 300 hours toward completion of the curriculum if the student provides proof to the school of both of the following;

- (a) Successful completion of a curriculum in any limited specialist instructor curriculum.
- (b) Possession of a current limited specialist instructor license.

R 338.2179e Blood spill procedures.

Rule 79e. (1) A licensee or owner shall comply with all of the following provisions if a blood spill occurs:

- (a) Temporarily suspend the service being performed.
- (b) Provide the bleeding person with adequate first aid supplies so that the bleeding person can stop the bleeding and cover the wound.
- (c) Sterilize any equipment, tool, or implement that comes into contact with blood.
- (d) Immediately discard porous materials, including abrasive boards/blocks/buffers, orangewood sticks, and pumice stones, if involved in a blood spill.
- (e) Immediately clean floors and other durable surfaces soiled with blood with a sodium hypochlorite solution such as household bleach or other approved hospital grade disinfectant.
- (f) Dispose of blood spill waste in clearly labeled containers or bags.

(2) A licensee shall not perform services until all bleeding has ceased and the wound has been covered. A licensee shall keep an open sore, cut, burn, or other wound covered when services are being performed.

R 338.2179g Student, apprentice, and licensee; prohibitions.

Rule 79g. (1) A student, apprentice, or licensee shall not do any of the following, and a licensee shall not allow another to do any of the following:

- (a) Use or possess methyl methacrylate monomers.
- (b) Abrade, roughen, buff, or file the nail plate to the extent that the nail bed is exposed or that deeply filed trenches or ridges in the nail plate are created.
- (c) Use a nail white pencil.
- (d) Use lump alum or a styptic pencil to stop bleeding.
- (e) Carry any equipment, tools, implements, or supplies in the pocket of a uniform.
- (f) Use the same powder puffs, makeup brushes, or cosmetic pencils on more than 1 patron.

- (g) Use an ultraviolet ray electrical sanitizer, unless the items placed in the sanitizer have been sanitized according to the rules promulgated by the department.
- (h) Use **or possess** a blade in the practice of **manicuring or** pedicuring.
- (i) Provide services that require a license without posting a current, unexpired, and valid license or permit for that person in the establishment where cosmetology services are being rendered.
- (j) Fail to provide proof of identity with a picture I.D. or alternative acceptable to the department at the time of an inspection, if requested by a department representative performing an inspection of the licensed establishment.
- (2) An æsthetician shall not use razors, scissors, or clippers on the face or head of a patron.
- (3) A natural hair cultivation student, apprentice, or practitioner shall not use reactive chemicals or perform any service included in the practice of cosmetology as defined in section 1201 of the act.

NOTICE OF PUBLIC HEARING

**DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES**

COSMETOLOGY RULES

Rule Set 2003-027

NOTICE OF PUBLIC HEARING

May 3, 2004

**2501 Woodlake Circle Okemos Michigan
Conference Room 1 2nd floor 10:00 a.m.**

The Department of Labor & Economic Growth will hold a public hearing on May 3, 2004, at the Bureau of Commercial Services, 2501 Woodlake Circle, Okemos Michigan in Conference Room 1 at 10:00 a.m. The hearing will be held to receive public comments on proposed changes to the Administrative Rules for Cosmetology.

The proposed rules are to update the rules, and codify current practice.

These rules are promulgated by authority conferred on the Department of Consumer & Industry Services by sections 308 and 1203 of 1980 PA 299, MCL 339.308 and 339.1203, Executive Reorganization Order No. 1996-2, MCL 445.2001, and Executive Reorganization Order No. 2003-18, MCL 445.2011. These rules will take effect seven days after filing with the Secretary of State.

The rules [Rule Set 2003-027] are published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the March 15, 2004 issue of the *Michigan Register*. Comments may be submitted to the following address by 5:00 P.M. on May 23, 2004. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Labor & Economic Growth
Jeannine Benedict, Bureau of Commercial Services
P. O. Box 30018
Lansing MI 48909-7518

Phone: 517/241-9219 FAX: 517/ 241-9280 E-mail: jbened@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans With Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517/241-9260 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

ORR # 2003-041

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

OFFICE OF FINANCIAL AND INSURANCE SERVICES

STANDARDS FOR SAFEGUARDING CUSTOMER INFORMATION

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By the authority conferred on the Office of Financial and Insurance Services by Section 547 of 2001 PA 24, MCL 500.547, by Section 2047 of 1956 PA 218, MCL 500.2047, and E.R.O. No. 2003-1, and in accordance with 15 U.S.C. 6801, 6805(a)(6), 6805(b), 6805(c))

R 500.551, R 500.552, R 500.553, R 500.554, R 500.555, R 500.556, R 500.557, R 500.558, R 500.559, and R 500.560 are added to the Michigan Administrative Code.

R 500.551 Authority.

Rule 1. (a) These rules establish standards for developing and implementing administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of customer information, pursuant to Sections 501, 505(b), and 507 of the Gramm-Leach-Bliley Act, codified at 15 U.S.C. 6801, 6805(b) and 6807, Chapter 5 of the Insurance Code, MCL 500.501 to 500.547, with penalties for violation specified in Chapter 20 of the Insurance Code, MCL 500.2001 to 500.2050.

(b) Section 501(a) of the Gramm-Leach-Bliley Act provides that it is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers' nonpublic personal information. Section 501(b) of the Gramm-Leach-Bliley Act requires the state insurance regulatory authorities to establish appropriate standards relating to all of the following administrative, technical, and physical safeguards:

- (i) To ensure the security and confidentiality of customer records and information.
- (ii) To protect against any anticipated threats or hazards to the security or integrity of such records.
- (iii) To protect against unauthorized access to or use of records or information that may result in substantial harm or inconvenience to a customer.

(c) Section 505(b)(2) calls on state insurance regulatory authorities to implement the standards prescribed under Section 501(b) with respect to persons engaged in providing insurance; and the Governor signed 2001 PA 24 on June 18, 2001, creating Chapter 5 of the Insurance Code, titled "Privacy of Financial Information."

(d) Section 507 provides, among other things, that a state may afford persons greater privacy protections than those provided by subtitle A of Title V of the Gramm-Leach-Bliley Act. MCL 500.501(3) provides that Chapter 5 of the Insurance Code - applicable to financial information - does not modify, limit, or supersede statute or rules governing the confidentiality or privacy of individually identifiable health or medical information under state law. To release such health or medical information generally requires the

informed, written consent of the patient or his authorized representative; and nothing in these rules shall be construed to diminish state law or recent federal HIPAA standards (45 CFR Parts 160 and 164) that govern the confidentiality and privacy of individually identifiable health and medical information. The safeguards established pursuant to these rules shall apply to nonpublic personal financial information. All licensees gathering or in possession of both nonpublic personal financial information and nonpublic personal health and medical information shall either segregate the different types of information subject to different security standards or shall apply the more stringent administrative, technical, and physical safeguards, otherwise applicable to individually identifiable health and medical information under state or federal law, to all types of customer nonpublic personal information and records – financial, health and medical – to ensure the security and confidentiality of all sensitive information. In addition to the civil penalties the commissioner may impose for violation of these rules under Chapter 20 of the Insurance Code, MCL 500.2001 to 500.2050, licensees are notified that MCL 750.410 (2) establishes criminal penalties for any person, firm, or corporation that buys, sells, furnishes, or receives “for any consideration” the identity of a patient or any information concerning treatment unless otherwise authorized by law, administrative rule, or valid legal process.

R 500.552 Definitions.

Rule 2. As used in these rules:

- (a) “Customer” means a customer of the licensee as the term customer is defined in MCL 500.503(h).
- (b) “Customer information” means nonpublic personal financial information as defined in MCL 500.503(n) and (o) about a customer, whether in paper, electronic, or other form, that is maintained by or on behalf of the licensee.
- (c) “Customer information systems” means the electronic or physical methods used to access, collect, store, use, transmit, protect, or dispose of customer information.
- (d) “Licensee” means a licensee, as that term is defined in MCL 500.503(l), including third-party administrators under MCL 550.920.
- (e) “Service provider” means a person that maintains, processes, or otherwise may access customer information through its provision of services directly to the licensee.

R 500.553 Information security program.

Rule 3. Each licensee shall implement a comprehensive written information security program that includes administrative, technical, and physical safeguards for the protection of customer information. The administrative, technical, and physical safeguards included in the information security program shall be appropriate to the size and complexity of the licensee and the nature and scope of its activities.

R 500.554 Objectives of information security program.

Rule 4. A licensee’s information security program shall be designed to do all of the following:

- (a) Ensure the security and confidentiality of customer information.
- (b) Protect against any anticipated threats or hazards to the security or integrity of the information.
- (c) Protect against unauthorized access to or use of the information that could result in substantial harm or inconvenience to any customer.

R 500.555 Examples of methods of development and implementation.

Rule 5. (1) The actions and procedures described in R 500.556 to R 500.559 are examples of methods of implementation of the requirements of R 500.553 and R 500.554. These examples are non-exclusive illustrations of actions and procedures that licensees may follow to implement R 500.553 and R 500.554. (2) A licensee who performs all actions and procedures of implementation specified in R 500.556 through R 500.559 shall be considered in compliance with R 500.553 and R 500.554.

R 500.556 Assess risk; example.

Rule 6. To assess risk, a licensee may do all of the following:

- (a) Identify reasonably foreseeable internal or external threats that could result in unauthorized disclosure, misuse, alteration, or destruction of customer information or customer information systems.
- (b) Assess the likelihood and potential damage of these threats, taking into consideration the sensitivity of customer information.
- (c) Assess the sufficiency of policies, procedures, customer information systems and other safeguards in place to control risks.

R 500.557 Manage and control risk; example.

Rule 7. To manage and control risk, a licensee may do all of the following:

- (a) Design its information security program to control the identified risks, commensurate with the sensitivity of the information, as well as the complexity and scope of the licensee's activities.
- (b) Train staff, as appropriate, to implement the licensee's information security program.
- (c) Regularly test or otherwise regularly monitor the key controls, systems, and procedures of the information security program. The frequency and nature of these tests or other monitoring practices are determined by the licensee's risk assessment.

R 500.558 Oversee service provider arrangements; example.

Rule 8. To oversee service provider arrangements, a licensee may do both of the following:

- (a) Exercise appropriate due diligence in selecting its service providers.
- (b) Require its service providers to implement appropriate measures designed to meet the objectives of these rules, and, where indicated by the licensee's risk assessment, take appropriate steps to confirm that its service providers have satisfied these obligations.

R 500.559 Adjust program; example.

Rule 9. To adjust its program, a licensee monitors, evaluates, and adjusts, as appropriate, the information security program in light of any relevant changes in technology, the sensitivity of its customer information, internal or external threats to information, and the licensee's own changing business arrangements, such as mergers and acquisitions, alliances, and joint ventures, outsourcing arrangements and changes to customer information systems.

R 500.560 Violations.

Rule 10. A violation of any requirement of this regulation is an unfair method of competition or an unfair or deceptive act and practice in the conduct of the business of insurance in this state, and shall constitute a knowing violation as defined in MCL 500.2038(1)(a).

NOTICE OF PUBLIC HEARING

**DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES**

**STANDARDS FOR SAFEGUARDING
CUSTOMER INFORMATION**

Rule Set 2003-041

NOTICE OF PUBLIC HEARING

March 2, 2004

Lake Superior Room

Michigan Library and Historical Center

702 West Kalamazoo

Lansing, Michigan

Lake Superior Room, Ground Floor – 10:00 a.m.

The Department of Labor & Economic Growth, Office of Financial and Insurance Services will hold a public hearing on Tuesday, March 2, 2004, at the Michigan Library and Historical Center, 702 West Kalamazoo, Lansing, Michigan in the Lake Superior Room on the Ground Floor at 10:00 a.m. The hearing will be held to receive public comments on proposed rules establishing administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of customer information.

The proposed rules are new rules, drafted to fulfill the requirements of the Title V of the Gramm Leach Bliley Act, 15 U.S.C. 6805, and MCL 500.547.

These rules are promulgated by authority conferred on the Office of Financial and Insurance Services by Section 547 of 2001 PA 24, MCL 500.547, by Section 2047 of 1956 PA 218, MCL 500.2047, and Executive Reorganization Order No. 2003-1, and in accordance with 15 U.S.C. 6801, 6805(a)(6), 6805(b), 6805(c). These rules will take effect seven days after filing with the Secretary of State.

The rules [Rule Set 2003-041] are published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the February 15, 2004 issue of the *Michigan Register*. Comments may be submitted to the following address by 5:00 P.M. on March 12, 2004. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Office of Financial and Insurance Services, Policy Division
Department of Labor & Economic Growth
P. O. Box 30220
Lansing MI 48909-7720

Phone: Wendy Nelson at 877/999-6442 , FAX: 517/ 335-1727, E-mail: WSNelso@Michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans With Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517/373-4454 to make arrangements.

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

MINERAL RIGHTS: Application of the three-year grace period
under Marketable Record Title Act

MARKETABLE RECORD TITLE ACT:

RECORDS AND RECORDATION:

The three-year grace period for preserving certain property interests, claims, or charges provided in section 3 of the Marketable Record Title Act, MCL 565.103, applies only to the recording of notices necessary to preserve interests in minerals as defined by the Act that had not been previously barred or extinguished utilizing a 40-year look-back period.

Opinion No. 7148

January 26, 2004

Honorable Michael A. Prusi
State Senator
The Capitol
Lansing, Michigan 48913

You have requested my opinion regarding 1997 PA 154, which originated as HB 4273 and amended certain provisions of the Marketable Record Title Act, MCL 565.101 *et seq* (the Act), as well as my opinion regarding the rights of landowners and occupants to notice from parties exploiting certain mineral resources.

Your letter states:

House Bill 4273, as introduced, attempted to shorten the period required for filing claims of title from forty (40) years to twenty (20) years for those mineral interests other than sand, gravel, limestone, clay or marl. The change was intended to make the Marketable Title Act consistent with the Dormant Minerals Act of 1963, which already utilizes a twenty (20) year claim period for oil and gas minerals. The bill was also intended to clear defunct companies or deceased landowners from county records relative to mineral right ownership. The unintended consequence of the legislation may have allowed for the sale of the mineral rights to a third party during the three-year window.

As enacted, PA 154 of 1997 provides those individuals who fall within the twenty- and forty-year time frame, a three-year grace period to reassert their intent to continue a mineral rights claim. If no assertion to maintain mineral rights is submitted

within the allotted grace period, the mineral rights would then revert to the surface owner.

You ask:

First, by law, if those [mineral interest holders] that fell between the twenty- and forty-year timeframe did not reassert their intent to continue mineral interests within the three-year grace period, who then would have legal claim to these mineral rights? Second, if the owner of the mineral rights did not reassert within the 3-year grace period, could a third party claim those interests and circumvent them from reverting to the surface owner? Lastly, would the mineral rights owner have the authority to perform mineral explorations without first notifying the owner of the surface rights?

Before answering your questions, an overview of some general principles of property law may be helpful. Coal, oil, gas, and other minerals may be owned in fee simple. Thus, the ownership of minerals may be held in fee separate from fee simple ownership of other rights in the land. *Rathbun v Michigan*, 284 Mich 521; 280 NW 35 (1938); *Pellow v Arctic Mining Co*, 164 Mich 87; 128 NW 918 (1910). See also, *Van Slooten v Larsen*, 410 Mich 21; 299 NW2d 704 (1980).

As our Supreme Court explained in *Rathbun v Michigan*, 284 Mich at 534:

In *Walters v. Sheffield*, 75 Fla. 505, 511 (78 South. 539), it is said:

"By the common law also several sorts of estates or interests, joint or several, may exist in the same fee; as that one person may own ground or soil, another the structures thereon, another the minerals beneath the surface, and still another the trees and wood growing thereon."

Minerals in place may be severed from the remainder of the land by proper conveyances. Severance of all the minerals from the remainder of the lands may be effected by a reservation in the deed. Upon severance of the title of minerals from that of the remainder of the land, each estate may be a free-hold of an estate in fee simple. *Humphreys-Mexia Co. v. Gammon*, 113 Tex. 247 (254 S. W. 296, 29 A. L. R. 607).

"The State, having title in fee, could, like any other owner in fee, deed with reservation of the oil, coal, gas and minerals. * * *

"The State as owner of the land, could sever the estate in fee to the surface from that of fee in the oil and gas underlying the surface." *Krench v. State of Michigan*, 277 Mich. 168, 179, 180.

Mineral resources, therefore, may be exploited by the fee owner of the resources or by those parties to whom these rights have been leased.

The determination of who owns or holds an interest in lands subject to mineral exploitation requires the examination of all deeds, leases, or other instruments conveying or affecting that property recorded in the Office of the Register of Deeds for the county in which the property is located. *Erickson v Michigan Land & Iron Co*, 50 Mich 604; 16 NW 161 (1883); *Harlow v Lake Superior Iron Co*, 36 Mich 105 (1877); *Pellow, supra*. Prior to adoption of the Marketable Record Title Act, this could have involved examination of recorded instruments filed over a period of almost 200 years from the issuance and recordation of a United States land patent or confirmation of a British or French grant.

The Marketable Record Title Act was adopted to shorten the period that must be reviewed. However, it should be emphasized that it only "remedies title defects within its scope." Michigan Land Title Standards, 5th Edition,¹ STANDARD 1.1 (capital and bold lettering omitted). As Title STANDARD 1.1 explains:

The stated legislative purpose of the Marketable Record Title Act is to simplify and facilitate land title transactions by providing a statutory basis for establishing record title with reference to a period of at least 40 years (at least 20 years for certain mineral interests). The effect of the Act is to extinguish by operation of law certain interests and claims which arise out of any act, transaction, event or omission preceding the 40-year period (or the 20-year period for certain mineral interest), subject to specified exceptions and limitations. The 20-year period applies only to a mineral interest other than an interest in oil, gas, sand, gravel, limestone, clay or marl, owned by a person other than the surface owner.

An interest in land is preserved under the Act by the recording during the 40-year period (or during 20-year period for certain mineral interests) of a notice, verified by oath,

¹ The Michigan Land Title Standards (5th Edition) published by the Land Title Standards Committee of the Real Property Law Section of the State Bar of Michigan is an authoritative source that has been relied upon by property law practitioners in Michigan for nearly 50 years.

setting forth the nature of the interest claimed. A mineral interest other than an interest in oil, gas, sand, gravel, limestone, clay or marl, owned by a person other than the surface owner, is also preserved by the recording within three years after December 22, 1997, of a notice setting forth the nature of the interest claimed. See also Standard 15.4 with respect to certain severed oil and gas interests.

The title resulting from application of the Act's remedial provisions is a marketable record title. MCLA 565.103 Marketable record title under the Act may not be equivalent, however, to a marketable title at common law or to a commercially marketable or merchantable title, as those terms are generally used. One may have a marketable record title under the Act which is still properly subject to objection.

Interests held by the State of Michigan or the federal government are not subject to defeasance or loss under the Act. Section 4 identifies those interests that are not barred or extinguished by the Act:

This act shall not be applied to bar any lessor or his successor as reversioner of his right to possession on the expiration of any lease or any lessee or his successor of his rights in and to any lease; or to bar any interest of a mortgagor or a mortgagee or interest in the nature of that of a mortgagor or mortgagee until after such instrument under which such interests are claimed shall have become due and payable, except where such instrument has no due date expressed, where such instrument has been executed by a railroad, railroad bridge, tunnel or union depot company, or any public utility or public service company; or to bar or extinguish any easement or interest in the nature of an easement, the existence of which is clearly observable by physical evidences of its use; or to bar or extinguish any easement or interest in the nature of an easement, or any rights appurtenant thereto granted, excepted or reserved by a recorded instrument creating such easement or interest, including any rights for future use, if the existence of such easement or interest is evidenced by the location beneath, upon or above any part of the land described in such instrument of any pipe, valve, road, wire, cable, conduit, duct, sewer, track, pole, tower, or other physical facility and whether or not the existence of such facility is observable, by reason of failure to file the notice herein required. *Nor shall this act be deemed to affect any right, title or interest in land owned by the United States, nor any right, title or interest in any land owned by the state of Michigan, or by any department, commission or political subdivision thereof.* [MCL 565.104; emphasis added.]

See also Michigan Land Title STANDARD 1.6, Comment C.

Prior to the adoption and effective date of 1997 PA 154, interests in minerals other than oil, gas, and other hydrocarbons were subject to being extinguished where they arose out of any act, transaction, event, or omission that preceded the 40-year period. With respect to certain minerals, this time frame,

sometimes referred to as a "look-back period," was shortened by 1997 PA 154 to 20 years. To afford due process of law to those whose interests would be extinguished because of the shortened period, the Act provided a three-year window within which they could assert their continuing interest in the affected minerals. The law now provides in section 1:

Any person, having the legal capacity to own land in this state, who has an unbroken chain of title of record to any interest in land for 20 years for mineral interests and 40 years for other interests, shall at the end of the applicable period be considered to have a marketable record title to that interest, subject only to claims to that interest and defects of title as are not extinguished or barred by application of this act and subject also to any interests and defects as are inherent in the provisions and limitations contained in the muniments [documents evidencing title] of which the chain of record title is formed and which have been recorded within 3 years after the effective date of the amendatory act that added section 1a or during the 20-year period for mineral interests and the 40-year period for other interests. However, a person shall not be considered to have a marketable record title by reason of this act, if the land in which the interest exists is in the hostile possession of another. [MCL 565.101.]

The interests in real property subject to extinguishment by virtue of the 20-year period are defined by section 101a:

As used in this act, "mineral interest" means an interest in minerals in any land if the interest in minerals is owned by a person other than the owner of the surface of the land. Mineral interest does not include an interest in oil or gas or an interest in sand, gravel, limestone, clay, or marl. [MCL 565.101a.]

Section 2 of the Act prescribes what constitutes an unbroken chain of title:

A person is considered to have an unbroken chain of title to an interest in land as provided in section 1 when the official public records disclose either of the following:

(a) A conveyance or other title transaction not less than 20 years in the past for mineral interests and 40 years for other interests, which conveyance or other title transaction purports to create the interest in that person, with nothing appearing of record purporting to divest that person of the purported interest.

(b) A conveyance or other title transaction not less than 20 years in the past for mineral interests and 40 years for other interests, which conveyance or other title transaction purports to create the interest in some other person and other conveyances or title transactions of record by which the purported interest has become vested in the person first referred

to in this section, with nothing appearing of record purporting to divest the person first referred to in this section of the purported interest. [MCL 565.102.]

Section 3 of the Act, in which the three-year grace period is described, provides:

Marketable title shall be held by a person and shall be taken by his or her successors in interest free and clear of any and all interests, claims, and charges whatsoever the existence of which depends in whole or in part upon any act, transaction, event, or omission that occurred prior to the 20-year period for mineral interests, and the 40-year period for other interests, and all interests, claims, and charges are hereby declared to be null and void and of no effect at law or in equity. *However, an interest, claim, or charge may be preserved and kept effective by filing for record within 3 years after the effective date of the amendatory act that added section 1a or during the 20-year period for mineral interests and the 40-year period for other interests, a notice in writing, verified by oath, setting forth the nature of the claim.* A disability or lack of knowledge of any kind on the part of anyone does not suspend the running of the 20-year period for mineral interests or the 40-year period for other interests. For the purpose of recording notices of claim for homestead interests the date from which the 20-year period for mineral interests and the 40-year period for other interests shall run shall be the date of recording of the instrument, nonjoinder, in which is the basis for the claim. A notice may be filed for record by the claimant or by any other person acting on behalf of any claimant if 1 or more of the following conditions exist:

- (a) The claimant is under a disability.
- (b) The claimant is unable to assert a claim on his or her own behalf.
- (c) The claimant is 1 of a class but whose identity cannot be established or is uncertain at the time of filing the notice of claim for record. [MCL 565.103; emphasis added.]

The Marketable Record Title Act should be distinguished from the Dormant Minerals Act of 1963, MCL 554.291 *et seq*, to which you refer. The Dormant Minerals Act covers oil and gas. Where the requisite dormancy period has expired, dormant oil and gas interests are extinguished or forfeited to the surface owner. The Marketable Record Title Act does not "forfeit" any interest; rather it extinguishes the interest or claim of intent. An owner of interests in land holds them free and clear of any interest in minerals that cannot be discovered by examining records filed with a register of deeds office within the 20-year "look-back period." This means that the surface owners, as well as holders of

other interests in land (including mineral interests not extinguished), hold fee title or those other interests free from the extinguished claims. Surface interests, as well as those other interests, may, however, be subject to claims of other persons whose interests do appear on examining title within the 20-year period. The owners of mineral interests that are properly recorded within the 20-year period may, like surface owners, assert that they hold their interests free and clear of any potentially competing claims that are beyond the 20-year period.

The Marketable Record Title Act does not allow a person with no previously recorded interest and who has no predecessors in title or interest, commonly known as a "stranger to title," to establish valid entitlement to mineral interests simply by recording an instrument asserting those interests with a register of deeds office. Should a person file a claim or an instrument purporting to vest the person with a mineral interest, its validity is determined by other rules of property law pursuant to which a valid chain of title to the interest claimed is established.

Michigan Land Title Standards 1.2, 1.3, and 1.6 summarize those rules as follows:

STANDARD 1.2 ELEMENTS OF MARKETABLE RECORD TITLE

A PERSON HAS MARKETABLE RECORD TITLE IF: (1) THERE IS AN UNBROKEN CHAIN OF RECORD TITLE FOR AT LEAST 40 YEARS (AT LEAST 20 YEARS FOR CERTAIN MINERAL INTERESTS); AND (2) THERE IS NO ONE IN HOSTILE POSSESSION OF THE LAND.

STANDARD 1.3 UNBROKEN CHAIN OF RECORD TITLE

A PERSON HAS AN UNBROKEN CHAIN OF RECORD TITLE IF (1) THERE IS EITHER (A) A CONVEYANCE OR OTHER TITLE TRANSACTION WHICH PURPORTS TO CREATE AN INTEREST AND HAS BEEN A MATTER OF RECORD FOR AT LEAST 40 YEARS (AT LEAST 20 YEARS FOR CERTAIN MINERAL INTERESTS) OR (B) A SERIES OF CONVEYANCES OR OTHER TITLE TRANSACTIONS OF RECORD IN WHICH THE FIRST CONVEYANCE OR TITLE TRANSACTION HAS BEEN A MATTER OF RECORD FOR AT LEAST 40 YEARS (AT LEAST 20 YEARS FOR

CERTAIN MINERAL INTERESTS), AND (2) THERE IS NOTHING OF RECORD PURPORTING TO DIVEST SUCH PERSON OF TITLE.

STANDARD 1.6 EFFECT OF THE MARKETABLE RECORD TITLE ACT ON PRIOR INTERESTS

A PERSON WHO HAS MARKETABLE RECORD TITLE HOLDS TITLE FREE FROM:

ANY INTEREST, CLAIM OR CHARGE, THE EXISTENCE OF WHICH DEPENDS IN WHOLE OR IN PART UPON ANY ACT, TRANSACTION, EVENT OR OMISSION WHICH PRECEDES AT LEAST A 40-YEAR CHAIN OF RECORD TITLE (AT LEAST A 20-YEAR CHAIN OF RECORD TITLE FOR CERTAIN MINERAL INTERESTS); PROVIDED THAT (1) THE MINIMUM 40-YEAR CHAIN (MINIMUM 20-YEAR CHAIN FOR CERTAIN MINERAL INTERESTS) INCLUDES NO REFERENCE TO SUCH INTEREST, CLAIM OR CHARGE, AND NO NOTICE OF CLAIM BASED THEREON HAS BEEN FILED PURSUANT TO SECTIONS 3 AND 5 OF THE ACT AND (2) THE INTEREST IS NOT EXCEPTED FROM THE APPLICATION OF THE ACT BY SECTION 4 THEREOF;

BUT THE TITLE IS SUBJECT TO:

ANY INTEREST, CLAIM OR CHARGE WHICH ARISES FROM, OR IS REFERRED TO IN, ANY INSTRUMENT WITHIN THE MINIMUM 40-YEAR CHAIN OF RECORD TITLE (MINIMUM 20-YEAR CHAIN FOR CERTAIN MINERAL INTERESTS).

The three-year window for filing notices of intention to retain interests in land after the effective date of 1997 PA 154 amending section 3 (December 22, 1997) should not be read as relating to interests, mineral or otherwise, already barred under the 40-year standard. It relates to those existing interests that would first be extinguished on December 22, 1997, by a 20-year "look back."

The three-year window periods avoid any argument that owners were deprived of real property interests without due process of law in 1945 when the Marketable Record Title Act was first adopted and again in 1997 when the "look-back" period was shortened from 40 to 20 years for certain mineral

interests. As the United States Supreme Court noted in *Texaco Inc v Short*, 454 US 516, 532-533; 102 S Ct 781; 70 L Ed 2d 738 (1982), in sustaining the Indiana Dormant Mineral Interests Act:

In short, both the Indiana Legislature and the Indiana Supreme Court have concluded that a 2-year period was sufficient to allow property owners in the State to familiarize themselves with the terms of the statute and to take any action deemed appropriate to protect existing interests. On the basis of the records in these two proceedings, we cannot conclude that the statute was so unprecedented and so unlikely to come to the attention of citizens reasonably attentive to the enactment of laws affecting their rights that this 2-year period was constitutionally inadequate. We refuse to displace hastily the judgment of the legislature and to conclude that a legitimate exercise of state legislative power is invalid because citizens might not have been aware of the requirements of the law.

With the Act's initial adoption in 1945, the Michigan Legislature similarly provided property owners a three-year period within which to familiarize themselves with the law and take whatever action was necessary to preserve their interests. When the Legislature amended the Act again in 1997 to shorten the period of examination required to ascertain the continuing valid interests in minerals, it again provided a three-year period within which citizens were able to familiarize themselves with the effect of the law upon mineral interests and protect those interests. The 1997 amendments should not be read as permitting or facilitating the resuscitation of interests already barred, because such a construction would operate to unconstitutionally impair the obligations of contracts entered into with respect to rights or interests in land previously barred under the 40-year standard. Const 1963, art 1, § 10.

Moreover, in the time between 1945 and 1997, property and interests in property, including mineral interests, have been bought, sold, and otherwise acquired based upon a reliance on the extinguishment of competing or opposing interests not discernible by examining documents recorded during the 40-year look-back period. Generally, to retroactively permit resuscitation of interests already extinguished under the applicable law would unconstitutionally deprive owners of property or vested

rights to property. A vested right has been defined as an interest that the government is compelled to recognize and protect of which the holder could not be deprived without injustice. *Detroit v Walker*, 445 Mich 682, 699; 520 NW2d 135 (1994). See also *Van Slooten v Larsen*, 410 Mich 21, *supra*; *Schoolcraft Community School Dist No 50 v Burson*, 357 Mich 682; 99 NW2d 353 (1959); and *Dodge v Detroit Trust Co*, 300 Mich 575; 2 NW2d 509 (1942).

Finally, to the extent 1997 PA 154 is subject to differing interpretations, it should be read in a way that renders it constitutional, not unconstitutional:

The general principle has repeatedly been invoked that if a legislative enactment is of such a character that it is subject to differing interpretations, one of which would result in the act being held unconstitutional and the other permitting its being upheld as valid, the latter alternative will be accepted. In other words, the presumption is that the legislature would not intend to pass an act in contravention of a constitutional restriction or otherwise invalid. [*State Bar of Michigan v Lansing*, 361 Mich 185, 195; 105 NW2d 131 (1960).]

It is my opinion, therefore, that the three-year grace period for preserving certain property interests, claims, or charges provided in section 3 of the Marketable Record Title Act, MCL 565.103, applies only to the recording of notices necessary to preserve interests in minerals as defined by the Act that had not been previously barred or extinguished utilizing a 40-year look-back period.

In specific response to your questions as quoted on page two:

(1) Identification of the party or parties holding interests in land including mineral interests and the nature of such interests is determined by the content of all instruments properly recorded within the "20-year" look-back period specified by the Marketable Record Title Act.

(2) Where a party's interest in minerals has been extinguished by failure to preserve that interest consistent within the three-year grace period provided by the Marketable Record Title Act, the identification of the owners and holders of mineral interests and the nature of their interests is again determined by the content of all instruments properly recorded within the "20-year" look-back period specified by the Marketable Record Title Act.

(3) In addition to any obligations that may be imposed on mining operations by regulatory statutes, which this opinion does not address, whether a mineral rights owner is required to notify a surface owner or occupant of proposed mining operations is determined by the content of the deed or other instruments of conveyance pursuant to which the mineral rights were acquired.

MIKE COX
Attorney General

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2003 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2003 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		160	Yes	3-Apr	3-Apr	4/3/2003	Legislature ; auditor general; duties; clarify. (Sen. B. Patterson)
2	4198		Yes	21-Apr	22-Apr	4/22/2003	Recreation ; outdoor activities; assumption of risk when operating a snowmobile; revise. (Rep. C. LaSata)
3	4079		Yes	21-Apr	22-Apr	4/22/2003	Health facilities ; nursing homes; standardized information pamphlet and complaint form; require department of consumer and industry services to develop and distribute. (Rep. G. Woronchak)
4	4139		Yes	22-Apr	22-Apr	4/22/2003	Natural resources ; fishing; types of documentation acceptable for member of armed forces to establish eligibility for discounted hunting or fishing license; expand. (Rep. J. Rivet)
5	4010		Yes	24-Apr	24-Apr	4/24/2003	Economic development ; plant rehabilitation; tax abatements for plants that manufacture biodiesel fuel; provide for. (Rep. G. DeRossett)
6		105	Yes	9-May	9-May	5/9/2003	Natural resources ; forests; procedure for earmarking royalties from timber and mineral revenues; clarify. (Sen. A. Sanborn)
7	4078		Yes	20-May	20-May	5/20/2003	Courts ; district court; places where district court is required to sit; revise for districts of the first class. (Rep. S. Hummel)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
8	4332		Yes	20-May	20-May	5/20/2003	Retirement ; fire and police; death benefits for spouse of slain law enforcement officer; prohibit suspension of benefits for spouse who remarries. (Rep. S. Shackleton)
9	4086		Yes	20-May	20-May	9/1/2003	Traffic control ; violations; penalties for driving with expired registration plate tabs; revise. (Rep. M. Middaugh)
10	4115		Yes	29-May	29-May	5/29/2003	Highways ; name; renaming a certain portion of M-28; designate as "Veterans Memorial Highway." (Rep. S. Adamini)
11	4432		Yes	29-May	29-May	5/29/2003	Insurance ; property and casualty; fire and other peril losses due to terrorist events; exempt in commercial insurance policies. (Rep. L. Julian)
12		180	Yes	29-May	29-May	5/29/2003	State agencies (existing); generally; state agencies using 900 telephone numbers for the general public to access public information; prohibit. (Sen. T. Stamas)
13		397	Yes	29-May	29-May	5/29/2003	Elections ; primary; presidential primary in 2004; eliminate. (Sen. J. Allen)
14	4257		Yes	4-Jun	5-Jun	6/5/2003	Natural resources ; Great Lakes; beach maintenance activities and removal of vegetation on Great Lakes riparian lands; allow under certain circumstances. (Rep. B. Palmer)
15		118	Yes	10-Jun	10-Jun	9/1/2003	Crimes ; other; penalties for impersonating a police officer; increase. (Sen. A. Sanborn)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
16		117	Yes	10-Jun	10-Jun	9/1/2003 #	Criminal procedure ; sentencing guidelines; sentencing guidelines for impersonating a police officer to commit or attempt to commit a felony; enact. (Sen. A. Cropsey)
17	4285		Yes	10-Jun	10-Jun	6/10/2003	Retirement ; public school employees; direct withholding from pension for long-term care benefits; allow. (Rep. S. Ehardt)
18	4038		Yes	10-Jun	10-Jun	6/10/2003	Education ; teachers; certification in cardiopulmonary resuscitation; require for new teacher certification. (Rep. S. Rocca)
19		150	Yes	17-Jun	18-Jun	6/18/2003	Natural resources ; Great Lakes; waterways and harbor improvement projects; allow grants to colleges and universities. (Sen. J. Allen)
20	4197		Yes	19-Jun	20-Jun	6/20/2003	Economic development ; local development financing; definition of "urban township"; revise. (Rep. C. Ward)
21	4556		Yes	24-Jun	24-Jun	6/24/2003	Income tax ; income; winnings from a casino or racetrack; include as taxable income. (Rep. S. Bieda)
22	4561		Yes	24-Jun	24-Jun	10/1/2003	Income tax ; deductions; withholding taxes on flow-through entity; establish. (Rep. W. O'Neil)
23	4567		Yes	24-Jun	24-Jun	6/24/2003	Taxation ; other; tax liability on businesses selling or quitting business; establish liabilities of members, managers, and partners. (Rep. P. Condino)
24	4569		Yes	24-Jun	24-Jun	6/24/2003	Use tax ; collections; liability of officers at dissolution; revise. (Rep. B. Farrah)
25	4568		Yes	24-Jun	24-Jun	6/24/2003	Sales tax ; collections; liability at dissolution; revise. (Rep. P. Zelenko)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
26	4310		Yes	26-Jun	26-Jun	6/26/2003	Trade ; other; grain dealers act; prohibit disclosure of identity of individuals reporting violations under freedom of information act. (Rep. T. Meyer)
27	4219		No	26-Jun	26-Jun	**	Use tax ; exemptions; tangible personal property brought into this state 90 days after purchase; provide exemption. (Rep. G. Woronchak)
28	4008		Yes	26-Jun	26-Jun	6/26/2003 #	Income tax ; property tax credit; special assessments for fire and advanced life support; include in definition of property taxes. (Rep. B. Palmer)
29		23	Yes	26-Jun	26-Jun	6/26/2003 #	Income tax ; property tax credit; special assessments for police, fire, and advanced life support; include in definition of property taxes for credit calculation. (Sen. A. Sanborn)
30	4330		Yes	27-Jun	30-Jun	6/30/2003	Vehicles ; license plates; specialty plate for "ex-POWs"; allow 1 person in a household to obtain. (Rep. G. Woronchak)
31	4818		Yes	1-Jul	1-Jul	7/1/2003	Law enforcement; fingerprinting; clarification of law enforcement responsibilities for fingerprinting applicants; establish. (Rep. S. Hummel)
32		22	Yes	2-Jul	2-Jul	7/2/2003 #	Human services ; medical services; federal work incentives improvement act; enact conforming state provision to allow continued insurance coverage for the working disabled. (Sen. S. Johnson)

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33	4270		Yes	2-Jul	2-Jul	7/2/2003 #	Human services ; medical services; medical services program eligibility; revise to allow continued insurance coverage for the working disabled. (Rep. S. Ehardt)
34	4333		Yes	2-Jul	3-Jul	10/1/2003	Traffic control ; parking; penalty for illegally parking in a designated space for handicapped use; increase. (Rep. F. Accavitti Jr.)
35	4356		Yes	2-Jul	3-Jul	7/3/2003	Occupations ; dental assistants; scope of practice for dental assistants; expand and clarify. (Rep. B. Vander Veen)
36	4083		Yes	2-Jul	3-Jul	7/3/2003	Natural resources ; other; development rights agreement or easements on farmland; subordinate state's interest under certain circumstances. (Rep. D. Sheltrown)
37		246	Yes	2-Jul	3-Jul	7/3/2003	Trade ; vehicles; definition of dealer in Michigan vehicle code; exclude vehicle lessors selling off lease vehicles. (Sen. J. Gilbert)
38		362	Yes	7-Jul	8-Jul	7/8/2003	Taxation ; other; tax expenditure report; rename. (Sen. N. Cassis)
39	4032		Yes	7/7	8-Jul	7/8/2003 +	Appropriations ; zero budget; supplemental appropriations; provide for fiscal year 2002-2003. (Rep. M. Shulman)
40		461	Yes	9-Jul	9-Jul	7/9/2003	Courts ; probate court; probate court districts; revise, and allow additional minimum annual salary. (Sen. A. Cropsey)
41	4281		Yes	14-Jul	14-Jul	*** #	Insurance ; health care corporations; nongroup prescription drug coverage; provide for offering of. (Rep. D. Farhat)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
42	4519		Yes	11-Jul	14-Jul	9/1/2003	Communications ; computers; regulation of the transmission of electronic mail advertisements; provide for. (Rep. B. Huizenga)
43	4408		Yes	11-Jul	14-Jul	7/14/2003	Law enforcement ; local police; definition of peace officer for enforcement of snowmobile violations; provide for. (Rep. K. Bradstreet)
44		425	Yes	11-Jul	14-Jul	7/14/2003	Mobile homes ; title; enforcement of a security interest or lien on a mobile home affixed to real property through real property foreclosure; provide for. (Sen. M. Bishop)
45	4565		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; flow-through entity, member of a flow-through entity, and nonresidential member; define. (Rep. B. Farrah)
46	4564		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; requesting a certificate of dissolution or certificate of withdrawal from state; require all business entities to request. (Rep. J. Minore)
47	4563		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; forms; statement of compensation paid and taxes withheld and certain other forms; require flow-through entities, casino licenses, and race meeting and race track licenses to provide. (Rep. B. Farrah)
48	4562		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; collections; administration, collection, and enforcement provisions; include flow-through entities, casino licensees, and race meeting and race track licensees. (Rep. P. Zelenko)

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49	4560		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; composite tax return; allow on certain circumstances. (Rep. P. Zelenko)
50	4559		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; definition of taxpayer; revise to include certain flow-through entities. (Rep. P. Condino)
51	4558		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; definition of tax; revise to include nonresident member of a flow-through entity. (Rep. P. Condino)
52	4557		Yes	11-Jul	14-Jul	7/14/2003	Income tax ; income; definition of business income; revise. (Rep. B. Farrah)
53	4326		Yes	11-Jul	14-Jul	7/14/2003	Administrative procedure ; rules; methods for public subscription; change and expand. (Rep. C. Ward)
54		530	Yes	11-Jul	14-Jul	7/14/2003	Highways ; name; renaming a certain portion of M-53; designate as “POW/MIA Memorial Freeway”. (Sen. A. Sanborn)
55	4081		Yes	11-Jul	14-Jul	7/14/2003	Housing ; abandoned; dangerous building provisions of housing code; revise definition of dangerous building and include certain costs in demolition. (Rep. G. Woronchak)
56	4145		Yes	11-Jul	14-Jul	7/14/2003	Juveniles ; criminal procedure; interstate compact for juveniles; establish. (Rep. C. LaSata)
57	4077		Yes	11-Jul	14-Jul	7/14/2003	Occupations ; other; requirement for electrologists to have 1 year of experience to supervise electrology establishment; eliminate. (Rep. S. Hummel)
58	4280		Yes	11-Jul	14-Jul	*** #	Insurance ; health care corporations; long-term care coverage; permit underwriting and age rating. (Rep. D. Robertson)

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59		234	Yes	15-Jul	15-Jul	7/23/2003 #	Insurance ; health care corporations; revisions to certain rates, underwriting provisions, reserves, benefits, and investments; provide for, and provide for general amendments. (Sen. B. Hammerstrom)
60		238	Yes	15-Jul	15-Jul	7/15/2003	Insurance ; health care corporations; contracts with out-of-state health care facilities; provide for. (Sen. G. Jacobs)
61	4247		Yes	15-Jul	15-Jul	9/30/2003	Crimes ; drunk driving; penalties and sanctions for operating a vehicle while intoxicated; establish at 0.08 grams and provide penalties and sanctions for operating a vehicle with any bodily content of schedule 1 controlled substances or cocaine. (Rep. W. Van Regenmorter)
62	4125		Yes	21-Jul	22-Jul	7/22/2003	# Health; anatomical gifts; list of individuals authorized to make an anatomical gift for a deceased individual; add patient advocates and clarify that an official state identification card and a motor vehicle operator's or chauffeur's license is a valid document of gift. (Rep. M. Murphy)
63	4126		Yes	21-Jul	22-Jul	7/22/2003 #	Health ; anatomical gifts; patient advocate authorized to make an anatomical gift for another; provide for. (Rep. M. Murphy)
64	4224		Yes	21-Jul	22-Jul	7/22/2003 #	Traffic control ; speed restrictions; speed limits; allow input by townships in setting certain limits. (Rep. R. Jamnick)

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65	4133		Yes	21-Jul	22-Jul	7/22/2003 #	Traffic control ; speed restrictions; speed limits; allow input by townships in setting certain speed limits. (Rep. P. LaJoy)
66	4238		Yes	21-Jul	22-Jul	1/1/2004	Traffic control ; traffic regulation; amount of property damage to require an accident report; increase. (Rep. J. Rivet)
67	4479		Yes	21-Jul	22-Jul	7/22/2003	Health facilities ; patients; family member veto of organ donation; prohibit. (Rep. J. Gleason)
68	4524		Yes	21-Jul	22-Jul	7/22/2003 #	Taxation ; other; tax expenditure report; modify in the department of management and budget act. (Rep. C. Ward)
69	4606		Yes	21-Jul	22-Jul	7/22/2003	Campaign finance ; contributions and expenditures; use of money from corporation, labor organization, or other entity to purchase or construct state political party central office facility; allow. (Rep. J. Koetje)
70	4732		Yes	21-Jul	22-Jul	10/1/2003	Criminal procedure ; sentencing; minimum state cost in criminal cases; assess. (Rep. J. Howell)
71	4733		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; payment of certain costs for juveniles; require. (Rep. P. Condino)
72	4735		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; drug treatment court fund; establish and provide formula for distribution of funds. (Rep. D. Acciavatti)
73	4736		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; certain assessments imposed under the Michigan vehicle code; replace with a justice system assessment. (Rep. A. Meisner)

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74	4741		Yes	21-Jul	22-Jul	10/1/2003	Juveniles ; criminal procedure; priority of payment of fines, costs, and other payments; revise. (Rep. T. Hunter)
75	4743		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; payment of minimum state cost as a condition of parole; require. (Rep. L. Wenke)
76	4745		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; assessments for DNA testing; revise. (Rep. S. Adamini)
77	4746		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; assessments for DNA testing for juveniles; revise. (Rep. K. Daniels)
78	4749		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; judicial technology improvement fund; establish and provide formula for distribution of funds. (Rep. M. Shulman)
79	4750		Yes	21-Jul	22-Jul	10/1/2003	Courts ; funding; community dispute resolution act; revise grant provisions. (Rep. J. Voorhees)
80		230	Yes	21-Jul	23-Jul	7/23/2003	Housing ; abandoned; procedure for a building to be removed if structure remains vacant or boarded for a period of 24 consecutive months; provide for. (Sen. V. Bernero)
81		359	Yes	21-Jul	23-Jul	7/23/2003	Businesses ; limited liability; filing fees for limited liability companies; revise. (Sen. G. Jacobs)
82		360	Yes	21-Jul	23-Jul	7/23/2003	Agriculture ; pesticides; pesticide applicator fee; increase for certain time interval. (Sen. J. Barcia)
83		361	Yes	21-Jul	23-Jul	7/23/2003	Occupations ; licensing fees; pet shop and animal control licensing fees; increase for certain time interval. (Sen. J. Barcia)

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84		370	Yes	21-Jul	23-Jul	7/23/2003	Employment security ; funds; employment security contingency fund; transfer certain funds to general fund. (Sen. B. Leland)
85		386	Yes	21-Jul	23-Jul	7/23/2003	Occupations ; licensing fees; livestock dealer fees; increase for certain time interval. (Sen. V. Bernero)
86		390	Yes	21-Jul	23-Jul	7/23/2003	Occupations ; licensing fees; horse riding stable fees; increase for certain time interval. (Sen. L. Brater)
87		431	Yes	21-Jul	23-Jul	7/23/2003	Occupations ; licensing fees; certain occupational licensing fees; increase for certain time interval. (Sen. L. Brater)
88		460	Yes	21-Jul	23-Jul	1/23/2004 #	Insurance ; health; small employer group health coverage and provision regarding health maintenance organization coverage for “off-label” drug use; provide for. (Sen. B. Patterson)
89		37	Yes	24-Jul	24-Jul	7/24/2003 #	Cemeteries and funerals ; other; description of land used for cemetery lot and definition of endowment care; clarify. (Sen. G. Jacobs)
90		38	Yes	24-Jul	24-Jul	7/24/2003 #	Cemeteries and funerals ; other; description of land used for cemetery lot for rural cemetery corporations and definition of perpetual care; clarify. (Sen. G. Jacobs)
91		39	Yes	24-Jul	24-Jul	7/24/2003 #	Cemeteries and funerals ; other; description of land used for cemetery lot for cemetery corporations and definition of endowment care; clarify. (Sen. G. Jacobs)

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92		121	Yes	24-Jul	24-Jul	7/24/2003	Taxation ; other; publication of letter rulings; require. (Sen. N. Cassis)
93		163	Yes	24-Jul	24-Jul	7/24/2003	Economic development ; renaissance zones; cap on agricultural renaissance zones; increase. (Sen. G. VanWoerkom)
94		239	Yes	24-Jul	24-Jul	7/24/2003	Counties ; funds; grants to nonprofit corporations for economic development initiatives; allow in certain cases. (Sen. T. George)
95		434	Yes	24-Jul	24-Jul	10/1/2003	Courts ; funding; justice system assessment; provide for. (Sen. M. Switalski)
96		435	Yes	24-Jul	24-Jul	10/1/2003	Civil procedure ; costs and fees; costs imposed in district court; revise. (Sen. H. Clarke)
97		439	Yes	24-Jul	24-Jul	10/1/2003	Courts ; funding; justice system fund; establish and provide formula for distribution of funds. (Sen. A. Cropsey)
98		442	Yes	24-Jul	24-Jul	10/1/2003	Crime victims ; other; order of priority of payments in crime victim's rights act; revise. (Sen. V. Garcia)
99		444	Yes	24-Jul	24-Jul	10/1/2003	Courts ; funding; forensic laboratory assessments; revise. (Sen. C. Brown)
100		447	Yes	24-Jul	24-Jul	10/1/2003	Courts ; funding; assessments for DNA testing; revise. (Sen. C. Brown)
101		448	Yes	24-Jul	24-Jul	10/1/2003	Courts ; funding; payment of minimum state cost as a condition of probation; require. (Sen. V. Garcia)
102		449	Yes	24-Jul	24-Jul	10/1/2003	Courts ; funding; allocation of payments made by defendant; revise. (Sen. A. Cropsey)

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103		462	Yes	24-Jul	24-Jul	10/1/2003	Vehicles ; motorcycles; secretary of state to operate motorcycle safety education program; require. (Sen. V. Garcia)
104		480	Yes	24-Jul	24-Jul	7/24/2003	Occupations ; licensing fees; nursery stock license fee; increase for limited time interval and create revolving fund. (Sen. L. Brater)
105		520	Yes	24-Jul	24-Jul	7/24/2003	Property tax ; homestead exemption; audit process for homestead exemption irregularities; provide for. (Sen. C. Brown)
106		570	Yes	24-Jul	24-Jul	7/24/2003	Businesses ; business corporations; certain filing fees; revise. (Sen. R. Emerson)
107		571	Yes	24-Jul	24-Jul	7/24/2003	Businesses ; nonprofit corporations; certain filing fees; revise. (Sen. B. Leland)
108		572	Yes	24-Jul	24-Jul	7/24/2003 #	Education ; financing; calculations for early repayment of loans from school bond loan fund; revise. (Sen. B. Leland)
109		573	Yes	24-Jul	24-Jul	7/24/2003 #	State ; bonds; purchase of qualified bonds issued by school districts; allow. (Sen. B. Leland)
110	4866		Yes	24-Jul	24-Jul	7/24/2003 #	Education ; financing; certain appropriations from repayment of principal and interest on certain state loans to school districts for the 2003-2004 fiscal year; provide for allocation to state school aid fund. (Rep. M. Nofs)
111		574	Yes	24-Jul	24-Jul	10/1/2003	Natural resources ; other; off-road vehicle safety education program transfer to department of natural resources. (Sen. B. Leland)
112		578	Yes	24-Jul	24-Jul	7/24/2003	Holidays ; “American Heroes Week”; establish. (Sen. B. Patterson)

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113		589	Yes	24-Jul	24-Jul	7/24/2003	Health facilities ; nursing homes; quality assurance assessment fee; revise to comply with federal law and revise regulations. (Sen. R. Emerson)
114		586	Yes	24-Jul	24-Jul	7/24/2003	Taxation ; administration; access to tax information from the department of treasury; allow for certain individuals. (Sen. C. Brown)
115	4582		Yes	29-Jul	29-Jul	7/29/2003	Financial institutions ; credit unions; filing requirements for suspicious activities; clarify. (Rep. L. Wenke)
116	4657		Yes	29-Jul	29-Jul	***	Transportation ; motor fuel tax; labeling requirement on pumps dispensing ethanol blended gasoline; eliminate. (Rep. N. Nitz)
117	4580		Yes	29-Jul	29-Jul	7/29/2003	Financial institutions ; banks; filing requirements for suspicious activities; clarify. (Rep. D. Palsrok)
118	4581		Yes	29-Jul	29-Jul	7/29/2003	Financial institutions ; savings banks; filing requirements for suspicious activities; clarify. (Rep. W. O'Neil)
119	4522		Yes	29-Jul	29-Jul	7/29/2003	Elections ; candidates; filing of postelection sworn statement; require to file with same official with whom candidate committee campaign statements were filed. (Rep. S. Rocca)
120	4579		Yes	29-Jul	29-Jul	7/29/2003	Financial institutions ; savings and loan associations; filing requirements for suspicious activities; clarify. (Rep. A. Lipsey)
121	4516		Yes	29-Jul	29-Jul	10/1/2003 #	Corrections ; employees; correctional officers' training council's jurisdiction; revise. (Rep. F. Amos)

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122	4300		Yes	29-Jul	29-Jul	7/29/2003	Counties ; funds; contributions of county general fund money to establish a revolving loan fund; allow under certain circumstances. (Rep. L. Wenke)
123	4502		Yes	29-Jul	29-Jul	7/29/2003	Labor ; job development; term limits for community action agency board members; revise and make general amendments. (Rep. S. Caul)
124	4517		Yes	31-Jul	1-Aug	10/1/2003 #	Corrections ; jails; booking fee for county jails; provide for, and direct revenue to training of local corrections officers. (Rep. L. Wojno)
125	4515		Yes	31-Jul	1-Aug	10/1/2003 #	Corrections ; employees; training and certification of local corrections officers; require. (Rep. R. Richardville)
126		129	Yes	31-Jul	1-Aug	10/1/2003 #	Property tax ; homestead exemption; reference to homestead exemption in revised school code; revise to principal residence exemption. (Sen. N. Cassis)
127		130	Yes	31-Jul	1-Aug	1/1/2004 #	Property tax ; homestead exemption; reference to homestead exemption in neighborhood enterprise zone act; revise to principal residence exemption. (Sen. J. Allen)
128		131	Yes	31-Jul	1-Aug	1/1/2004 #	Property tax ; homestead exemption; reference to homestead exemption in the state real estate transfer tax act; revise to principal residence exemption. (Sen. P. Birkholz)

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129		132	Yes	31-Jul	1-Aug	1/1/2004 #	Property tax ; homestead exemption; reference to homestead exemption in the development of blighting property act; revise to principal residence exemption. (Sen. V. Garcia)
130		135	Yes	31-Jul	1-Aug	1/1/2004 #	Property tax ; homestead exemption; reference to homestead exemption in the seller disclosure act; revise to principal residence exemption. (Sen. B. Hardiman)
131	4192		Yes	31-Jul	1-Aug	1/1/2004 #	Property tax ; homestead exemption; reference to homestead exemption in the tax tribunal act; revise to principal residence exemption. (Rep. J. Stakoe)
132	4218		Yes	31-Jul	1-Aug	8/1/2003	Education ; school districts; student use of cellular phones and pagers in schools; provide authority to local school boards and public school academies to regulate or allow beginning in 2004-2005. (Rep. M. Middaugh)
133	4704		Yes	31-Jul	1-Aug	8/1/2003	Aeronautics ; aircraft; flight schools; limit and provide certain security programs for an aircraft on the ground. (Rep. S. Ehardt)
134	4248		Yes	31-Jul	1-Aug	9/30/2003 #	Criminal procedure ; sentencing guidelines; penalties and sanctions at 0.08 grams for operating a vehicle while intoxicated, for operating a vehicle with any amount of certain controlled substances, and for violation of unsolicited commercial e-mail protection act in furtherance of a crime; establish. (Rep. W. Van Regenmorter)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
135	4146		Yes	31-Jul	1-Aug	8/1/2003	Local government ; authorities; recreational authorities; revise participation of certain municipalities. (Rep. C. Ward)
136	4806		Yes	31-Jul	1-Aug	8/1/2003	Economic development ; downtown development authorities; definition of other protected obligations; revise. (Rep. P. LaJoy)
137	4708		Yes	31-Jul	1-Aug	8/1/2003	Counties ; other; installment contracts; allow for county road commissions. (Rep. D. Robertson)
138	4748		Yes	31-Jul	1-Aug	10/1/2003	Courts ; funding; civil filing fee fund; create, and increase certain court fees. (Rep. A. Lipsey)
139		399	Yes	31-Jul	1-Aug	8/1/2003	Sales tax ; distribution; distribution of money to the comprehensive transportation fund; revise. (Sen. R. Emerson)
140		133	Yes	31-Jul	1-Aug	1/1/2004 #	Property tax ; homestead exemption; definition of homestead exemption to principal residence exemption; provide for. (Sen. M. McManus)
141		134	Yes	31-Jul	1-Aug	1/1/2004 #	Property tax ; homestead exemption; reference to homestead exemption in school aid act; revise to principal residence exemption. (Sen. L. Toy)
142	4154		Yes	31-Jul	5-Aug	8/5/2003	Transportation ; carriers; trucks hauling logs or tubular products; revise tie-down requirements under certain circumstances. (Rep. T. Casperson)
143		463	Yes	5-Aug	5-Aug	10/1/2003	State ; identification cards; fee for state identification cards; increase and revise renewal requirements. (Sen. V. Garcia)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
144	4396		Yes	5-Aug	6-Aug	8/6/03 +	Appropriations ; other; higher education; provide for fiscal years 2002-2003 and 2003-2004. (Rep. M. Shulman)
145	4391		Yes	5-Aug	6-Aug	8/6/2003	Appropriations ; education; department of education; provide for fiscal year 2003-2004. (Rep. M. Shulman)
146	4388		Yes	5-Aug	6-Aug	8/6/2003	Appropriations ; community colleges; community and junior colleges; provide for fiscal year 2003-2004 and supplement for fiscal year 2002-2003. (Rep. M. Shulman)
147	4400		Yes	7-Aug	8-Aug	8/8/03+	Appropriations ; natural resources; department of natural resources; provide for fiscal years 2002-2003 and 2003-2004. (Rep. M. Shulman)
148		289	Yes	7-Aug	8-Aug	8/8/2003	Natural resources ; other; groundwater resources; collect information and establish a statewide groundwater inventory and map. (Sen. P. Birkholz)
149		277	Yes	7-Aug	8-Aug	8/8/2003	Appropriations ; state police; department of state police; provide for fiscal year 2003-2004. (Sen. S. Johnson)
150		391	Yes	7-Aug	8-Aug	8/8/2003	Trade ; securities; uniform securities act; revise filing fees. (Sen. M. Scott)
151		539	Yes	7-Aug	8-Aug	10/1/03#	Transportation ; funds; interdepartmental transfers of funds; provide for fund changes. (Sen. J. Gilbert)
152		554	Yes	7-Aug	8-Aug	10/1/03#	Vehicles ; registration; fees and taxes for certain vehicle registrations, titles, renewals, and driver license renewals; amend. (Sen. S. Johnson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
153		561	Yes	7-Aug	8-Aug	10/1/2003	Environmental protection; landfills; solid waste permit requirements and fees; modify. (Sen. B. Leland)
154	4390		Yes	7-Aug	8-Aug	8/8/2003	Appropriations; corrections; department of corrections; provide for fiscal year 2003-2004. (Rep. M. Shulman)
155		281	Yes	7-Aug	8-Aug	8/8/2003	Appropriations; other; judiciary; provide for fiscal year 2003-2004. (Sen. S. Johnson)
156		266	Yes	7-Aug	8-Aug	8/8/2003	Appropriations; military affairs; department of military affairs; provide for fiscal year 2003-2004. (Sen. S. Johnson)
157		288	Yes	7-Aug	8-Aug	8/8/03+	Appropriations; zero budget; department of agriculture; provide for fiscal year 2003-2004. (Sen. S. Johnson)
158	4401		Yes	10-Aug	11-Aug	*** +	Appropriations; school aid; state school aid appropriations; provide for fiscal year 2003-2004. (Rep. M. Shulman)
159	4392		Yes	10-Aug	11-Aug	8/11/2003 +	Appropriations; community health; appropriations for department of community health; provide for fiscal year 2003-2004. (Rep. M. Shulman)
160		279	Yes	11-Aug	12-Aug	8/12/2003	Appropriations; other; history, arts, and libraries; provide for fiscal year 2003-2004. (Sen. S. Johnson)
161		270	Yes	11-Aug	12-Aug	8/12/2003	Appropriations; other; general government; provide for fiscal year 2003-2004. (Sen. S. Johnson)
162		265	Yes	11-Aug	12-Aug	8/12/2003 +	Appropriations; other; transportation; provide for fiscal year 2003-2004. (Sen. S. Johnson)

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163		567	Yes	11-Aug	12-Aug	8/12/2003	Water ; other; sunset provisions for certain permits and fees; extend. (Sen. R. Emerson)
164		596	Yes	11-Aug	12-Aug	8/12/2003	Environmental protection ; water pollution; aquatic nuisance fees; revise. (Sen. R. Emerson)
165		509	Yes	11-Aug	13-Aug	10/1/2003	Traffic control ; other; driver responsibility assessments; establish. (Sen. J. Gilbert)
166		314	Yes	11-Aug	13-Aug	8/13/2003	Property ; conveyances; prior conveyance of state property; allow deed to be amended and convey certain property and property interests in Ingham county and Grand Traverse county. (Sen. M. Prusi)
167		286	Yes	11-Aug	13-Aug	8/13/2003	Appropriations ; consumer and industry services; budget for fiscal year 2003-2004; provide for. (Sen. S. Johnson)
168		575	Yes	11-Aug	13-Aug	8/13/2003	Taxation ; revenue sharing; distribution to counties, cities, villages, and townships; revise for certain state fiscal years. (Sen. R. Emerson)
169		285	Yes	11-Aug	13-Aug	8/13/2003	Appropriations ; other; department of career development and Michigan strategic fund; provide for fiscal year 2003-2004. (Sen. S. Johnson)
170		537	Yes	11-Aug	13-Aug	1/1/2004	Recreation ; state parks; park permit fees; provide for. (Sen. L. Brater)
171	4393		Yes	12-Aug	13-Aug	8/13/2003+	Appropriations ; environmental quality; department of environmental quality; provide for fiscal year 2003-2004. (Rep. M. Shulman)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
172		283	Yes	12-Aug	13-Aug	8/13/2003+	Appropriations; family independence agency; family independence agency; provide for fiscal year 2003-2004. (Sen. S. Johnson)
173		540	Yes	12-Aug	14-Aug	8/14/2003+	Appropriations; supplemental; supplemental appropriations; provide for. (Sen. S. Johnson)
174	4945		Yes	14-Aug	14-Aug	8/14/2003	Employment security; benefits; trigger for extended benefits; modify. (Rep. B. Farrah)
175	4453		Yes	22-Aug	22-Aug	8/22/2003	Retirement; public school employees; number of days required for year of retirement credit for teachers; eliminate and replace with hour requirement. (Rep. J. Hoogendyk)
176	4630		Yes	25-Aug	25-Aug	8/25/2003	Transportation; other; waiver of toll for certain emergency vehicles; provide for. (Rep. R. Brown)
177	4087		Yes	28-Aug	29-Aug	8/29/2003	Natural resources; other; groundwater dispute resolution; provide for. (Rep. J. Moolenaar)
178	4737		Yes	30-Sep	30-Sep	10/1/2003	Civil procedure; costs and fees; probate fee; impose, and make technical amendments. (Rep. S. Bieda)
179		393	Yes	No	3-Oct	10/3/2003	Education; Public school academies; revisions to charter school law with respect to oversight and regulations; provide for. (Sen. W. Kuipers)
180		365	Yes	3-Oct	3-Oct	10/3/2003	Education; reports; school districts to be able to submit reports required by state directly to 1 state agency; provide for. (Sen. N. Cassis)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
181	4764		Yes	7-Oct	7-Oct	10/7/2003	Businesses; business corporations; requirements for control share acquisitions; revise. (Rep. B. Huizenga)
182	4632		Yes	17-Oct	17-Oct	1/1/2004	Crimes; assaultive; penalty for throwing a dangerous object at a vehicle; increase under certain circumstances. (Rep. W. Van Regenmorter)
183	4633		Yes	17-Oct	17-Oct	1/1/2004 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of throwing a dangerous object at a vehicle; enact. (Rep. W. Van Regenmorter)
184	4457		Yes	17-Oct	17-Oct	10/17/2003	Vehicles; equipment; setting of parking brakes in automobiles; eliminate requirement under certain circumstances. (Rep. S. Rocca)
185	4715		Yes	17-Oct	17-Oct	10/17/2003	Criminal procedure; warrants; district court magistrate to issue certain warrants; allow. (Rep. M. Nofs)
186		701	Yes	17-Oct	17-Oct	10/17/2003	Higher education; financial aid; date to request application for payment of scholarship funds; extend to November 15 in 2003-2004 academic year. (Sen. G. VanWoerkom)
187	4967		Yes	17-Oct	17-Oct	10/17/2003	Counties; boards and commissions; membership of the county parks and recreation commission; revise. (Rep. S. Rocca)
188	4601		Yes	31-Oct	31-Oct	10/31/2003	Elections; petitions; complaint about petition signatures; allow board of state canvassers discretion after filing deadline to extend the filing deadline in certain circumstances. (Rep. E. Gaffney)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
189	4790		Yes	31-Oct	31-Oct	10/31/2003	Agriculture ; weights and measures; ethanol blended gasoline; exclude from method of sale requirements. (Rep. N. Nitz)
190	5037		Yes	31-Oct	31-Oct	10/31/2003	Retirement ; judges; cost of living increases for retired judges; provide for reopener. (Rep. J. Howell)
191		725	Yes	31-Oct	31-Oct	10/31/2003	Townships ; charter; 60-day requirement for adoption of charter township budgets; eliminate. (Sen. W. Kuipers)
192	4360		Yes	5-Nov	5-Nov	1/1/2004	Crimes ; obscenity; disseminating sexually explicit matter to a minor; include allowing minor to examine and require businesses to display sexually explicit matter only in restricted areas. (Rep. T. Reeves)
193	4386		Yes	7-Nov	10-Nov	11/10/2003	Appropriations ; zero budget; capital outlay; provide for fiscal year 2003-2004. (Rep. M. Shulman)
194	4211		Yes	7-Nov	10-Nov	11/10/2003	Property tax ; appeals; boards of review; allow alternate dates for boards to meet. (Rep. B. Caswell)
195	4895		Yes	7-Nov	10-Nov	11/10/2003	Highways ; name; renaming a certain portion of US-127; establish as the "Jim Pelton Firefighters Memorial Highway". (Rep. D. Byrum)
196	5106		Yes	7-Nov	10-Nov	11/10/2003	Occupations ; real estate; real estate salesperson and brokers; revise continuing education requirements to include certain courses. (Rep. R. Richardville)
197	4070		Yes	7-Nov	10-Nov	11/10/2003	Higher education ; other; certain instructional materials; require manufacturers and publishers to provide in digital electronic format. (Rep. D. Spade)

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198	4311		Yes	7-Nov	10-Nov	11/10/2003	Trade ; other; business failure of grain dealers; create insurance program for producers of farm produce. (Rep. T. Meyer)
199	4872		Yes	14-Nov	14-Nov	11/14/2003	Economic development ; enterprise zones; time for filing application in a neighborhood enterprise zone; provide for exception. (Rep. S. Tobocman)
200	5050		Yes	14-Nov	14-Nov	11/14/2003	Insurance ; other; standard nonforfeiture law for individual deferred annuities; provide for. (Rep. D. Robertson)
201	5133		Yes	14-Nov	14-Nov	11/14/2003	Taxation ; administration; waiver on interest and penalties for certain tax returns paid or filed by a certain date; provide for. (Rep. D. Acciavatti)
202	4714		Yes	14-Nov	14-Nov	11/14/2003	Education ; other; principal leadership academy; establish for training for school principals. (Rep. D. Farhat)
203	4613		Yes	25-Nov	26-Nov	11/26/2003	Veterans ; other; veterans who did not graduate from high school but joined the armed forces during the Korean conflict; grant high school diploma. (Rep. H. Hopgood)
204	4660		Yes	25-Nov	26-Nov	11/26/2003	Public utilities ; consumer services; disconnection of utility services for certain military personnel called into active duty; provide protections. (Rep. J. Garfield)
205	4950		Yes	25-Nov	26-Nov	11/26/2003	Townships ; charter; township superintendents to be titled township managers; allow. (Rep. C. Ward)

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206	4283		Yes	25-Nov	26-Nov	11/26/2003	Public utilities ; other; disconnection of telephone service for certain military individuals; prohibit. (Rep. J. Pappageorge)
207	5054		Yes	25-Nov	26-Nov	11/26/2003	Occupations ; barbers; barbers to render services off-site; allow under certain circumstances. (Rep. C. Ward)
208	4907		Yes	25-Nov	26-Nov	11/26/2003	Insurance ; life; accelerated benefits; provide for general amendments. (Rep. J. Stahl)
209	4263		Yes	25-Nov	26-Nov	11/26/2003	Economic development ; other; principal shopping district; revise city and village to municipality. (Rep. S. Taub)
210	5156		Yes	25-Nov	26-Nov	11/26/2003	Cities ; home rule; issuance of bonds during a period of emergency financial management; allow for under certain circumstances. (Rep. B. McConico)
211		770.00	Yes	37950.00	37951.00	37951.00	Income tax ; other; filing of 1099 form; require and provide for penalties. (Sen. A. Cropsey)
212	4753.00		Yes	37950.00	37951.00	37951.00	Traffic control ; other; school crossing guards; revise age requirements. (Rep. S. Shackleton)
213		224.00	Yes	37950.00	37951.00	37951.00	Holidays ; “Children’s Memorial Day”; designate as the fourth Friday in April. (Sen. M. Goschka)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
214	5188		Yes	1-Dec	2-Dec	12/2/2003	Public utilities ; consumer services; waiver from requirements of the code of conduct for utility appliance service programs; extend. (Rep. D. Palsrok)
215		496	Yes	1-Dec	2-Dec	6/1/2004	Financial institutions ; credit unions; credit union act; establish. (Sen. S. Johnson)
216		493	Yes	1-Dec	2-Dec	12/2/2003 #	Financial institutions ; credit unions; reference to credit union act in Michigan consumer protection act; update. (Sen. B. Hammerstrom)
217		494	Yes	1-Dec	2-Dec	12/2/2003 #	Financial institutions ; credit unions; reference to credit union act in Michigan penal code; update. (Sen. B. Leland)
218		495	Yes	1-Dec	2-Dec	12/2/2003 #	Financial institutions ; credit unions; reference to credit union act in food stamp statute; update. (Sen. G. VanWoerkom)
219	4695		Yes	1-Dec	2-Dec	12/2/2003 #	Financial institutions ; credit unions; reference to credit union act in county board of commissioners statute; update. (Rep. S. Toboeman)
220	4698		Yes	1-Dec	2-Dec	12/2/2003 #	Financial institutions ; credit unions; reference to credit union act in electronic funds transfer statute; update. (Rep. C. Bisbee)
221	4699		Yes	1-Dec	2-Dec	12/2/2003 #	Financial institutions ; credit unions; reference to credit union act in motor vehicle sales finance act; update. (Rep. C. DeRoche)
222		516	Yes	1-Dec	2-Dec	12/2/2003	Children ; adoption; convicted sex offenders; prohibit from adopting children. (Sen. G. Jacobs)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
223	4011		Yes	1-Dec	2-Dec	12/2/2003 #	Natural resources ; hunting; repeal of Washtenaw county Sunday hunting ban; provide for. (Rep. G. DeRossett)
224	4599		Yes	1-Dec	2-Dec	12/2/2003	Natural resources ; hunting; Sunday hunting ban in Hillsdale, Lenawee, St. Clair, and Tuscola counties; repeal. (Rep. R. Richardville)
225		352	Yes	3-Dec	3-Dec	12/3/2003	Holidays ; Cesar Chavez day, President Gerald R. Ford day, and Henry Ford day; establish as March 31, July 14, and July 30, respectively. (Sen. S. Thomas III)
226	4284		Yes	17-Dec	18-Dec	12/18/2003	Land use ; planning; joint planning commission; provide for. (Rep. C. Kolb)
227	4666		Yes	17-Dec	18-Dec	12/18/2003	Land use ; planning; planned unit developments in cities and villages; specify that open space area need not be contiguous. (Rep. C. Ward)
228	4667		Yes	17-Dec	18-Dec	12/18/2003	Land use ; planning; planned unit developments in townships; specify that open space area need not be contiguous. (Rep. C. Ward)
229	4668		Yes	17-Dec	18-Dec	12/18/2003	Land use ; planning; planned unit developments in counties; specify that open space area need not be contiguous. (Rep. C. Ward)
230	5027		Yes	17-Dec	18-Dec	12/18/2003	Vehicles ; snowmobiles; snowmobile registration fees; revise certain allocations. (Rep. J. Pastor)
231		658	Yes	22-Dec	22-Dec	4/1/2004	Crimes ; other; failure to stop at scene of accident involving watercraft resulting in serious impairment or death; prohibit and provide penalties. (Sen. T. Stamas)

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232		659	Yes	22-Dec	22-Dec	4/1/2004 #	Criminal procedure ; sentencing guidelines; sentencing guidelines for crime of failing to stop at scene of accident involving watercraft that causes serious injury or death; enact. (Sen. T. Stamas)
233	4518		Yes	22-Dec	22-Dec	12/22/2003	Health facilities ; emergency medical services; local medical control authority to establish protocols for emergency personnel possession and administration of epinephrine; require. (Rep. P. Gielegheem)
234	4655		Yes	23-Dec	29-Dec	12/29/2003 #	Health ; code; sunset on health professional license for certain individuals with health professional license issued in other state or any province of Canada, penalties for a licensed medical professional who performs treatment on a patient with a certain blood alcohol level, and quality assurance assessment tax; provide for. (Rep. G. Newell)
235	4656		No	23-Dec	29-Dec	3/30/2004 #	Crimes ; other; misdemeanor for licensed health care professional who engages in the practice of his or her profession with a certain blood alcohol level; provide for. (Rep. G. Newell)
236		556	Yes	23-Dec	29-Dec	12/29/2003 #	Appropriations ; school aid; school aid supplemental to implement budget cuts for 2003-2004; provide for. (Sen. S. Johnson)
237	4367		Yes	23-Dec	29-Dec	12/29/2003 +	Appropriations ; zero budget; supplemental appropriation; provide for fiscal year 2003-2004. (Rep. M. Shulman)

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238	4938		Yes	23-Dec	29-Dec	4/1/2004	Occupations ; individual licensing and regulation; enactment of “Michigan notary public act”; provide for. (Rep. S. Taub)
239		852	Yes	23-Dec	29-Dec	12/29/2003 #	Income tax ; rate; reduction of rate; pause. (Sen. R. Emerson)
240		672	Yes	23-Dec	29-Dec	12/29/2003 #	Single business tax ; tax base; health care costs; reduce addition to tax base over a period of years. (Sen. N. Cassis)
241		673	Yes	23-Dec	29-Dec	12/29/2003 #	Single business tax ; tax base; health care costs; reduce addition to tax base over a period of years. (Sen. T. George)
242	4896		Yes	23-Dec	29-Dec	12/29/2003	Natural resources ; hunting; taking of falcons for falconry; extend sunset and include northern goshawks. (Rep. R. Richardville)
243	4899		Yes	23-Dec	29-Dec	1/1/2004	Civil procedure ; costs and fees; fees and mileage allowed for service of process; revise. (Rep. L. Julian)
244	4439		Yes	23-Dec	29-Dec	1/1/2004	Law enforcement ; communications; wireless 9-1-1 fee; extend sunset. (Rep. K. Bradstreet)
245		710	Yes	23-Dec	29-Dec	12/29/2003	Children ; abuse or neglect; sunset in safe delivery of newborns law; eliminate. (Sen. S. Johnson)
246		700	Yes	23-Dec	29-Dec	12/29/2003	Property tax ; payment and collection; school delinquent taxes; require to conform to the state process. (Sen. P. Birkholz)
247	5168		Yes	23-Dec	29-Dec	12/29/2003	Property tax ; homestead exemption; filing date for homestead exemption for school operating purposes; extend to May 1. (Rep. C. Ward)

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248	5255		Yes	23-Dec	29-Dec	12/29/2003	Economic development ; Michigan economic growth authority; revisions to the authority board; provide. (Rep. D. Acciavatti)
249	5246		Yes	23-Dec	29-Dec	12/29/2003 #	Single business tax ; credit; effective date of Michigan economic growth authority credit; extend and transfer certain functions from department of treasury to the Michigan economic growth authority. (Rep. D. Farhat)
250		820	Yes	23-Dec	29-Dec	12/29/2003 #	Single business tax ; credit; effective date for Michigan economic growth authority audit; extend. (Sen. J. Barcia)
251		821	Yes	23-Dec	29-Dec	12/29/2003 #	Single business tax ; credit; effective date for Michigan economic growth authority credit; extend and allow a credit for a distressed business. (Sen. A. Sanborn)
252		805	Yes	23-Dec	29-Dec	12/29/2003 #	Environmental protection ; funding; clean Michigan initiative grant and loan programs; provide funding for. (Sen. P. Birkholz)
253	5270		Yes	23-Dec	29-Dec	12/29/2003	Environmental protection ; cleanups; clean Michigan initiative revolving loan program; create. (Rep. M. Nofs)
254		761	Yes	23-Dec	29-Dec	12/29/2003	Education ; other; role of architect or engineer in energy conservation improvements in a school building; clarify. (Sen. W. Kuipers)
255		482	Yes	23-Dec	29-Dec	12/29/2003	Education ; facilities; qualified provider for energy saving performance contracts; define. (Sen. W. Kuipers)

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256	4513		Yes	28-Dec	29-Dec	1/1/2004 #	Crimes ; definitions; “harmful electronic or electromagnetic device”; define. (Rep. M. Nofs)
257	4514		Yes	28-Dec	29-Dec	1/1/2004 #	Crimes ; other; manufacture, delivery, or possession of harmful electronic or electromagnetic device; prohibit. (Rep. W. Van Regenmorter)
258	4483		Yes	5-Jan	5-Jan	1/5/2004 #	Local government ; financing; Michigan land bank and fast track act; create. (Rep. C. Kolb)
259	4480		Yes	5-Jan	5-Jan	1/5/2004 #	Economic development ; other; brownfield redevelopment financing act changes for land banks; provide for. (Rep. D. Robertson)
260	4482		Yes	5-Jan	5-Jan	1/5/2004 #	Taxation ; other; specific tax for tax reverted property; create. (Rep. G. DeRossett)
261	4481		Yes	5-Jan	5-Jan	1/5/2004 #	Property tax ; exemptions; property subject to tax under the tax reverted clean title program; exempt. (Rep. A. Stallworth)
262	4488		Yes	5-Jan	5-Jan	1/5/2004 #	State ; funds; authority to invest surplus funds in loans to certain municipalities to clear title; provide for. (Rep. R. Jamnick)
263	4484		Yes	5-Jan	5-Jan	1/5/2004 #	Property tax ; other; notice to delinquent property tax holders; modify. (Rep. E. Gaffney)
264	5247		Yes	5-Jan	5-Jan	1/5/2004	Education ; other; college and career nights; require local school districts to allow skilled trades associations to participate. (Rep. P. LaJoy)
265	5254		Yes	5-Jan	5-Jan	1/5/2004 #	Economic development ; other; broadband development authority infrastructure grants for tool and die industry; provide for. (Rep. N. Nitz)

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*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
266		825	Yes	5-Jan	5-Jan	1/5/2004	Economic development; renaissance zones; tool and die recovery zone; establish. (Sen. J. Allen)
267		511	Yes	8-Jan	8-Jan	4/1/2004	Cemeteries and funerals; funeral practices; penalties for failure to properly dispose of a body; provide for. (Sen. J. Gilbert)
268		508	Yes	8-Jan	8-Jan	4/1/2004 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of improper disposal of human body; enact. (Sen. A. Sanborn)
269		227	No	8-Jan	8-Jan	3/30/2004 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crimes of releasing, possessing, or importing certain organisms; provide for. (Sen. B. Hammerstrom)
270		226	No	8-Jan	8-Jan	3/30/2004	Natural resources; wildlife; genetically engineered organisms; recognize in NREPA and prohibit release of GEOs or nonnative organisms. (Sen. B. Hammerstrom)
271		228	No	8-Jan	8-Jan	3/30/2004	Natural resources; other; genetically engineered organisms; recognize in animal industry act. (Sen. A. Sanborn)
272		229	No	8-Jan	8-Jan	3/30/2004	Natural resources; other; genetically engineered organisms; recognize in aquaculture development act. (Sen. P. Birkholz)
273		814	Yes	8-Jan	8-Jan	1/8/2004	Single business tax; credit; apprenticeship training credit for certain companies; increase. (Sen. L. Toy)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
274		811	Yes	8-Jan	8-Jan	1/8/2004	Property tax ; personal property; special tools; revise definitions. (Sen. N. Cassis)
275		787	Yes	8-Jan	8-Jan	1/8/2004	Education ; examinations; exemption from accreditation requirements for schools whose MEAP answer sheets were lost by the department or an assessment contractor; provide for. (Sen. B. Hardiman)
276		485	Yes	8-Jan	8-Jan	1/15/2004	Children ; support; interest rate on child support arrearage; revise. (Sen. V. Garcia)
277		849	Yes	8-Jan	8-Jan	1/8/2004	Economic development ; brownfield redevelopment authority; definition of initial assessed value; revise. (Sen. P. Birkholz)
278		667	Yes	8-Jan	8-Jan	1/8/2004	Mental health ; other; number of board memberships per county; revise. (Sen. J. Allen)
279		476	Yes	8-Jan	8-Jan	1/8/2004	Libraries ; district; millage cap; revise, expand district, and create procedure for district consolidation without library board's approval. (Sen. R. Emerson)
280		258	Yes	8-Jan	8-Jan	1/8/2004	Crimes ; other; juror intimidation; provide technical amendment to correct internal citation. (Sen. A. Cropsey)
281		881	Yes	8-Jan	8-Jan	1/8/2004	Counties ; employees and officers; procedures for the vacancy in a county executive office; clarify. (Sen. M. Bishop)
282		771	Yes	8-Jan	8-Jan	1/8/2004	Local government ; other; authorities and responsibilities of an emergency financial manager; expand under certain circumstances. (Sen. R. Emerson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
283		718	Yes	8-Jan	8-Jan	1/8/2004	Economic development ; tax increment financing; environmental pollution cleanup; establish funding. (Sen. N. Cassis)
284		845	Yes	8-Jan	8-Jan	1/8/2004	Elections ; candidates; state convention nominations of president and vice-president of the United States; require to be submitted to the secretary of state not more than 1 day after convention. (Sen. J. Allen)
285	5221		Yes	8-Jan	8-Jan	1/8/2004	Taxation ; tobacco; requirement for nonparticipating manufacturers to pay assessment; provide for. (Rep. L. Wenke)
286		781	Yes	8-Jan	8-Jan	1/8/2004	Taxation ; tobacco; amendments to the model master settlement agreement legislation; provide for. (Sen. S. Thomas II)
287	5265		Yes	8-Jan	8-Jan	1/8/2004	Environmental protection ; funding; limitation on bonds issued in a 1-year period; revise. (Rep. C. Bisbee)
288	4786		Yes	8-Jan	8-Jan	1/8/2004	Labor ; youth employment; minors to volunteer for certain adult-supervised construction activities; allow under certain circumstances. (Rep. J. Kooiman)
289	5172		Yes	8-Jan	8-Jan	1/8/2004	Cemeteries and funerals ; other; cemetery conveyed in receivership; clarify circumstances of conveyance to a municipal corporation. (Rep. J. Stakoe)
290	4299		Yes	8-Jan	8-Jan	2/7/2004	Counties ; funds; county burial allowance for certain veterans; increase asset limit. (Rep. S. Shackleton)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
291	5022		Yes	8-Jan	8-Jan	1/8/2004	Townships ; boards and commissions; compensation for volunteer fire board officials; allow. (Rep. N. Nitz)
292		535	Yes	8-Jan	8-Jan	1/8/2004 #	Watercraft ; registration; Great Lakes specialty watercraft decals; earmark revenue to the Michigan Great Lakes protection fund. (Sen. P. Birkholz)
293		536	Yes	8-Jan	8-Jan	1/8/2004 #	Watercraft ; registration; Great Lakes protection specialty watercraft decals; provide for. (Sen. J. Allen)
294	4914		Yes	8-Jan	8-Jan	1/8/2004 #	Watercraft ; registration; Great Lakes specialty watercraft decals; earmark revenue to the Michigan Great Lakes protection fund. (Rep. D. Palsrok)
295	5322		Yes	8-Jan	8-Jan	1/8/2004 #	Income tax ; credit; venture capital companies; provide credit for contributions. (Rep. F. Amos)
296		834	Yes	8-Jan	8-Jan	1/8/2004 #	Economic development ; other; incentives for early stage venture investment; provide for. (Sen. M. Bishop)
297		835	Yes	8-Jan	8-Jan	1/8/2004 #	Single business tax ; credit; tax credit for venture capital investments; provide for. (Sen. T. George)
298		877	No	8-Jan	8-Jan	1/1/2005 #	Elections ; other; number of election days per year; limit and provide other general amendments. (Sen. B. Hammerstrom)
299	4820		No	8-Jan	8-Jan	1/1/2005 #	Elections ; school; school elections; require to be held with general election, make other revisions in school elections, and repeal certain election provisions in school code. (Rep. C. Ward)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
300	4822		No	8-Jan	8-Jan	1/1/2005 #	Elections ; other; reference to election law in charter township act; amend to conform to election consolidation amendments. (Rep. R. Jamnick)
301	4823		No	8-Jan	8-Jan	1/1/2005 #	Elections ; other; reference to election law in metropolitan councils act; amend to conform to election consolidation amendments. (Rep. J. Brandenburg)
302	4824		No	8-Jan	8-Jan	3/30/2004 #	Elections ; school; chapter in election law regulating school elections; create and provide other general amendments. (Rep. J. Stakoe)
303	4825		No	8-Jan	8-Jan	1/1/2005 #	Elections ; local; election consolidation; provide for home rule cities elections. (Rep. G. Steil Jr.)
304	4826		No	8-Jan	8-Jan	1/1/2005 #	Elections ; local; election consolidation; provide for home rule village elections. (Rep. J. Garfield)
305	4827		No	8-Jan	8-Jan	1/1/2005 #	Elections ; local; election consolidation; provide for general law village elections. (Rep. R. Brown)
306	4828		No	8-Jan	8-Jan	1/1/2005 #	Elections ; scheduling; scheduling, conducting, and canvassing of community college elections; revise. (Rep. L. Drolet)
307		648	Yes	8-Jan	9-Jan	4/1/2004	Housing; inspection ; sites of clandestine labs for illegal drug manufacturing; require notification and inspection for potential contamination. (Sen. B. Patterson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
308		650	Yes	8-Jan	9-Jan	4/1/2004	Crimes ; other; possession of certain amounts of ephedrine or pseudoephedrine; prohibit. (Sen. A. Cropsey)
309		651	Yes	8-Jan	9-Jan	4/1/2004 #	Criminal procedure ; sentencing guidelines; sentencing guidelines for crime of possessing certain amounts of ephedrine or pseudoephedrine; enact. (Sen. A. Sanborn)
310		649	Yes	8-Jan	9-Jan	4/1/2004	Crimes ; controlled substances; possessing equipment for manufacturing methamphetamine; increase penalties. (Sen. P. Birkholz)
311		698	Yes	8-Jan	9-Jan	4/1/2004 #	Criminal procedure ; sentencing guidelines; penalties for possessing equipment for manufacturing methamphetamine; include in sentencing guidelines. (Sen. M. Bishop)
312		652	Yes	8-Jan	9-Jan	4/1/2004	Crimes ; controlled substances; possessing anhydrous ammonia in nonapproved container; establish as a felony. (Sen. R. Jelinek)
313		777	Yes	8-Jan	9-Jan	4/1/2004 #	Criminal procedure ; sentencing guidelines; transporting anhydrous ammonia in nonapproved container; implement in sentencing guidelines. (Sen. T. George)
314	5173		Yes	8-Jan	9-Jan	1/9/2004 #	Crimes ; vehicle offenses; crime of injuring or causing death of worker in a work zone; eliminate requirement that underlying moving violation have criminal penalties. (Rep. D. Acciavatti)
315	5089		Yes	8-Jan	9-Jan	4/8/2004	Traffic control ; traffic regulation; definition of construction zone; revise. (Rep. D. Acciavatti)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
316	5216		Yes	8-Jan	12-Jan	1/12/2004	Cities ; home rule; blight violations; designate, provide for administrative hearings bureau to adjudicate violations of blight ordinances, and impose sanctions. (Rep. S. Tobocman)
317	5217		Yes	8-Jan	12-Jan	1/12/2004	Cities ; ordinances; lien provisions for blight ordinances enforced by administrative hearings bureaus; provide for. (Rep. B. McConico)
318	5218		Yes	8-Jan	12-Jan	1/12/2004	Cities ; home rule; administrative hearings bureau; allow to adjudicate violations of ordinances and impose sanctions. (Rep. K. Daniels)
319	5219		Yes	8-Jan	12-Jan	1/12/2004	Cities ; ordinances; enforcement of blight violations by cities, townships, or villages; clarify responsibility for. (Rep. J. Howell)
320	5220		Yes	8-Jan	12-Jan	1/12/2004	Cities ; ordinances; designation of blight violations regarding city or village zoning; allow. (Rep. E. Gaffney)
321	5224		Yes	8-Jan	12-Jan	1/12/2004	Cities ; ordinances; noxious weed violations; allow to be designated as blight violations by cities, townships, or villages. (Rep. M. Hood III)
322	4249		Yes	8-Jan	12-Jan	3/31/2004	Civil rights ; privacy; photographing or publicly displaying photographs of deceased accident victims; prohibit. (Rep. J. Gleason)
Veto	4456					7/11/2003	Counties ; boards and commissions; membership of the county parks and recreation commission; revise. (Rep. S. Rocca)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto	4511					7/11/2003	Administrative procedure ; joint committee; procedure for objecting to rules; modify. (Rep. J. Pappageorge)
Veto	4627					8/25/2003	Transportation ; other; forgiveness of certain money owed to the state of Michigan by the Mackinac bridge authority; provide for. (Rep. T. Casperson)
Veto	4631					8/25/2003	Transportation ; funds; earmarking certain appropriated funding to the Mackinac bridge authority; provide for. (Rep. S. Shackleton)
Veto	5306					1/9/2004	Economic development ; economic development corporations; manufacturing czar; create. (Rep. J. Emmons)
Veto		195				3/21/2003	Local government ; public services; certain city managed water and sewer systems; provide for oversight authority. (Sen. L. Toy)
Veto		293				7/11/2003	Law enforcement ; other; public safety commissions; allow use of state radio towers by local units of government. (Sen. M. Bishop)
Veto		364				6/30/2003	School aid ; penalties; requirement of 180 days of pupil instruction and penalty for holding less than that number; eliminate and replace with minimum hours of instruction, and require certain procedures to change to 4-day school week. (Sen. V. Garcia)
Veto		395				10/10/2003	Health ; abortion; legal birth definition act; create. (Sen. M. McManus)
Veto		464				8/25/2003	Transportation ; funds; Mackinac bridge authority; amend to provide toll rate cap. (Sen. J. Allen)

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Veto		466				8/25/2003	Transportation ; motor fuel tax; advancements to Mackinac bridge authority; amend. (Sen. J. Barcia)
Veto		474				1/9/2004	Financial institutions ; other; regulation and licensing of deferred presentment service providers and transactions; provide for. (Sen. V. Garcia)
Veto		687				12/2/2003	Counties ; Employees and officers; procedures for the vacancy in a county executive office; clarify. (Sen. M. Bishop)
Veto		840				12/23/2003	Economic development ; other; small business czar; create. (Sen. T. Stamas)

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No enrolled senate or house bills have been signed into law or vetoed for the 2004 session. Therefore, Michigan Register 2004, MR 2 does not contain a table of enrolled senate and house bills.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2004 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

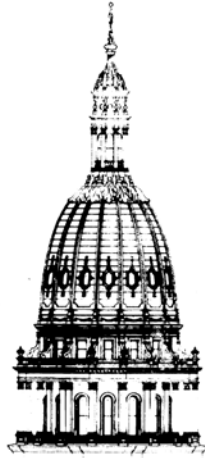
* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2004 RULE FILINGS)

No rules have been filed with the Secretary of State between January 15, 2004 and February 1, 2004. Michigan Register 2004, MR 2, therefore, does not contain a 2004 Administrative Code Table.



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Notice of Public Hearing – (*2004-2)

Bureau of Construction Codes and Fire Safety

Construction Code - Part 7. Plumbing Code, R 408.30701 - 408.30796 (2004-1)

Correction of Obvious Error – (2004-1)

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